

COUNCIL MEETING

APRIL 23, 2014

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Jay Furfaro, at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, April 23, 2014 at 9:05 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock, Sr. (*excused at 5:54 p.m.*)
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

Excused: Honorable Tim Bynum

Chair Furfaro: Let the record show that I have a notice for the last two (2) days for Mr. Bynum not being able to attend the meetings.

APPROVAL OF AGENDA.

Mr. Chock moved for approval of the agenda as circulated, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: This area is now Section D for Public Comment. This is in pursuant to Rule 13(e) of the Council Rules. May I ask you to read that please, Jade?

PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

Chair Furfaro: Thank you. Is there anyone that is willing or wanting to speak at this time? Before you do, I want to say that...excuse me, gentlemen. If you have a conversation, please go outside of the room. We are having some problems with the microphones and I will cover that right now. To the Councilmembers, the feedback we have been having on the microphones, they have a team coming over tomorrow to work on it. I want to remind us all that we can have no more than the testifier's microphone on and one (1) microphone on the Council table because of that feedback. Thank you. Alice. BC, I saw a hand behind your head. I cannot see who that is. Okay, got it.

There being no objections, the rules were suspended to take public comment.

ALICE PARKER: Good morning Councilmembers. Alice Parker, and obviously, I am promoting the use of cursive writing. Okay, there are several things I want to discuss. Number one, good appropriation for the various classes of vehicles in the proposed vehicle weight fees. I think that is terrific.

(Mr. Kagawa was noted as not present.)

Ms. Parker: The heavier vehicles pay more because they have more wear and tear on the roads. As I noted in a memorandum I sent to you folks, the business owners can deduct the cost of tax from their records to get to net income. So, private vehicles do not have that option because they are not receiving income.

Number two, Counsel cost. Using Mona Clark on assignment to the Auditor's Office as Special Counsel to them is a good use of funds, thereby not needing additional funds for Special Counsel. I understand Auditor Pasion's concern about personnel potentially tainted by Mr. Castillo's obvious antipathy to Mr. Pasion, but from my experience in "temporary duty" assignments to other Departments within the Federal agency who employed me, the only interaction was for my hours to record employment hours for my pay. For example, I was lent from Examination Division to Appeals Division for nine (9) months doing General Schedule (GS) 13 work as at GS 9 pay. So, that is why it was nine (9) months because a year, I would have gotten GS 13 pay. Anyway, I think that it can work out very well because I think she is fair and she does not have to be back and forth with the Council's Office.

Three, pet licensing. Mr. Rapozo is right on target for proposing that the contract for pet licenses be put out to bid since local veterinarians would be a logical place to buy the tags and thus not require a special trip to the Kaua'i Humane Society, which already has multiple functions to handle. I think it would just...if the vets are willing to bid for it.

Anyway, early speakers topics. A few of us general population-ers can arrange to attend each meeting we feel strongly about. My understanding, at the initiation of this program of early speaking, was so that a speaker could speak regarding any Council matter, not limited to that day's agenda. I think that was fairer than the current limitation to the current day's agenda. Luckily, the items I wanted to speak on are predominantly on the Council today, but I understand you do not want wide ranging things, but there are things I feel strongly about, but I cannot necessarily get there on that day. Anyway, thank you.

Chair Furfaro: Thank you. Alice, your comments on the weight tax, we will make sure that they are entered in the 1:30 p.m. meeting when those Bills come up.

Ms. Parker: Oh, I could get back for that, but I already spoke.

Chair Furfaro: That is right.

Ms. Parker: Okay.

Chair Furfaro: But I assumed it was you we heard this morning and that is a public hearing at 1:30 p.m., but I will see that your comments are entered in the record.

Ms. Parker: Okay. Thank you.

Chair Furfaro: Thank you. Okay.

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: The next speaker is Jack Lundgren to discuss Bill No. 2541, which is out for public hearing this afternoon.

Chair Furfaro: Thank you. Welcome, Doctor.

JACK LUNDGREN: Thank you very much. Good morning Councilmembers. My name is Jack Lundgren, L-U-N-D-G-R-E-N. It is a Swedish name. Unusual here. I have come to talk about Bill No. 2541 relating to open space and public access. The provisions of the Bill as I understand it, they are to cut the funding by about two-thirds (2/3) to make it instead of one and a half percent (1.5%) of County tax revenues to one half of one percent (0.5%). The way I understand it, the way this fund is supposed to work is sort of as a bank for future needs and as the population of the island grows and as the development grows along, we are losing more and more public accesses to coastal and mountain areas. In my forty-five (45) years, I have seen several areas where access has been limited, especially on the North Shore. Ka'aka'aniu has a big fence preventing you from going down. People used to go down there and collect *limu* and I used to see old ladies that would walk on that trail and get down there.

(Mr. Kagawa was noted as present.)

Mr. Lundgren: Parts of Moloa'a and Pāpa'a Bay. Pāpa'a Bay used to be relatively accessible, Kahuaina, which you folks are discussing right now in meetings, and other areas. I cannot remember all of the names over on the West Side out along the coast and up behind Kalāheo. So, I think if this Bill were to go through, it is really going to cripple the ability of the Open Space Fund to help with reopening public accesses or if the need be, comes to condemn land through eminent domain. It could be take a considerable amount of money. So, that is basically it. I have copies of my testimony. I am a little nervous when I get up here, but if you want to distribute those. Thank you very much. So, basically, I hope you reject the provisions of Bill No. 2541. I just have one (1) short question. I noticed on this Bill it was put through by request. What are the mechanics? How does that work? If someone in the public contacts a Councilmember do you automatically put a Bill into the hopper or was this by the request of the Administration? That is my assumption.

Chair Furfaro: I will clarify that for you, Doctor. If the citizens would want to pursue a Bill, they are welcomed to approach any Councilmember and the Councilmember could initiate that. When you see a Bill that basically says "By Request," that request is being made by the Administration.

Mr. Lundgren: I see. Okay.

Chair Furfaro: Not by any particular member here or a member of the public.

Mr. Lundgren: I see. I was just curious because...

Chair Furfaro: So, that is how to interpret that.

Mr. Lundgren: Okay. Thank you very much, and I want to appreciate this Council Rules that allows members of the public to come in early and get their testimony over. I will not be able to be here this afternoon and I think that is very...

Ms. Fountain-Tanigawa: Three (3) minutes.

Mr. Lundgren: ...good for the public. Thank you very much.

Chair Furfaro: You are quite welcome, and I want to give credit where credit is due. The Rule change was suggested to us by the three (3) amigos that sit in the corner there. So, you can thank the three (3) amigos for allowing up to eighteen (18) minutes in the very beginning.

Mr. Lundgren: Thank you very much.

Chair Furfaro: Thank you. Next speaker, please.

Ms. Fountain-Tanigawa: Chair, the next speaker is Glenn Mickens and he wants to speak on two (2) items on the Consent Calendar. This is C 2014-124 and C 2014-125.

Chair Furfaro: Okay, and let me make a housekeeping announcement here. If Mr. Mickens or anybody is going to speak on item...

Ms. Fountain-Tanigawa: Chair, excuse me. It was a Communication, not on the Consent Calendar.

Chair Furfaro: Oh, okay, but it is C 2014-125

Ms. Fountain-Tanigawa: Yes. C 2014-124 and C 2014-125.

Chair Furfaro: Okay. C 2014-125, I want to make sure we understand, this is not about the case. The case is finished by court order. This agenda item is concerning the coverage of the insurance policy. This item is about the recovery efforts from the County to our insurance company on how to recover certain costs. It is not about the case itself. Go ahead, Glenn, you have the floor.

GLENN MICKENS: For clarification, Jay, I know this is on page 3 and page 4. C 2014-124 is on page 3 and C 2014-125 is on page 4. If you are going to bring this up in the course of the morning session, I am more than willing to speak at that time instead of on the Consent Calendar. If it is going to come up in your jurisdiction to go ahead and put it off until the afternoon or something, I got that ball game. So, I cannot be here then.

(Mr. Kagawa was noted as not present.)

Chair Furfaro: I would think you would want to speak on it now because I do not think we will get into this until after 3:00 p.m.

Mr. Mickens:

Oh, after. Okay.

Chair Furfaro: But I just want to make sure you understand the parameters on this one are the issues between the coverage between the insurance company and the County, not the court order.

Mr. Mickens:

Well, I will go on C 2014-124 first, okay?

Chair Furfaro:

Yes, sure.

Mr. Mickens: For the record, Glenn Mickens. Thank you, Jay. Thank you, BC. On the agenda today is C 2014-124, "from the County Attorney requesting authorization to expend funds up to one hundred thousand dollars (\$100,000) for Special Counsel's continued services to advise and represent the County Council in matters involving the County Auditor's Office, and related matters (including Ernesto G. Pasion vs. County of Kaua'i, et al.). Then, we also have Executive Session 719 on the agenda regarding this same matter which is the twenty-eighth (28th) Executive Session that has been gone beyond closed doors to discuss the Office of the County Auditor and Ernie Pasion. It is totally outrageous that this amount of money and time is being spent on a situation that the public knows so little about except that it is costing us millions of dollars. If there are facts or issues that this Council is privy to that should be known by the public, then stop playing legal games with us. Let us know what is going on. It is shameful that the Council is taking so much time and spending so much money about a matter where so little is revealed. The basic facts that are known are as follows: 1) our County Auditor did a superlative job with seven (7) audits he finished in four (4) years, 2) his audit of our County fuel usage uncovered irregularities in the Mayor's use of fuel for his own private vehicle, 3) the Auditor's budget was cut by a whopping seven percent (7%) to sixteen percent (16%) more than the average of two percent (2%) that was cut by all other County Departments depending on whose numbers you want to believe the Auditor or the Administration, 4) these radical cuts were, in the opinions of many, made to cripple one of the best run County operations on Kaua'i. Operations to put efficiency in the system and save tax dollar payers millions of dollars and they were made for retaliatory reasons due to the problem ending up at the Mayor's desk, 5) the lawsuit brought by Mr. Pasion appears to be a justifiable response to the unexplained issues and harassments to him and his office generated by the Council and the Administration, 6) if there were no evidence that Mr. Pasion's job was in jeopardy, then there would be no lawsuit nor would there be this waste of time and money, but too much evidence points to a conspiracy to fire him and thus Mr. Pasion's action. Not one piece of evidence to justify his dismissal has ever been shown, at least not to the public or the media. It would have been easy to stop this fiasco before it got started or we had a County Manager system in place, but as usual, ready, fire, aim, stupidity. We will end up paying Mr. Pasion a huge settlement for all the monetary loss and pain that he has incurred. Okay, that was my C 2014-124. My...

Chair Furfaro: You used the entire time for that, but I will give you one (1) more minute, Glenn.

Mr. Mickens: I think, Jay, according to Office of Information Practices (OIP), I have three (3) minutes for each item I take off the agenda. So, I have three (3) minutes more for this particular item.

Chair Furfaro: I do not necessarily agree with you. You start your testimony, I will tell you when your time is up.

Mr. Mickens: Okay. Thank you. On April 11th this Council ratified a then unsigned settlement of the Bynum case that had been negotiated by the insurance, Everest National Insurance Company. Although no public statement has been made, I understand the settlement has now been completed. It will be appreciated if the Council will illuminate us as to why with the case being resolved with the ratification by this Council, it is necessary for Counsel to be retained at a cost of fifteen thousand dollars (\$15,000) as to insurance coverage for that case. Is it because the County Attorney has failed to disclose to the Council the extent to which the agreed settlement was covered by insurance? Why is the public being kept in the dark on these matters? In my opinion, you Councilmembers must demand to know what kind of a charade is being played with our tax money. From what I understand, our County Attorney wrote a contract with our insurance company giving them unilateral authority to settle this lawsuit without any input or authorization from this Council. In all my years I have attended these Council and Committee Meetings, I have never seen or heard of any gift or settlement being given or done by our government without the approval of this legislative body. The public needs to be informed of the insurance contract, which involves a premium of over five hundred thousand dollars (\$500,000), was made without Council approval and; if so, why? Even worse, our County Attorney is now asking for fifteen thousand dollars (\$15,000) more for a supposedly settled case. What is this called? An after-the-fact request for more funds to litigate a case already finished. Massive amounts of our tax dollars are being spent for Special Counsels without any meaningful control. Is it not time for the Council to activate Charter Section 3.17 and investigate what is going on or alternatively direct our County Auditor to audit the methods and procedures of the County Attorney's Office and analyze whether we are getting value received? Last paragraph. Why does this Council continue to withhold from the public important information about the expenditure of our public funds on legal matters? I think that is the key to this whole thing. The public is in the dark so much of the time. We sit here speculating. Maybe you know a lot. I presume you know a lot more than we do, but...

Chair Furfaro: You can stop right there. Thank you for that testimony. This item was requested by myself to interpret the coverage. Okay?

Mr. Mickens: Yes.

Chair Furfaro: So, make sure we understand that was requested by the Chair. Next thing I want to read the Rule. Each speaker may be limited to three (3) minutes at the discretion of the Chair to discuss the agenda items and then not be allowed additional time to speak during the meeting. You are allowed three (3) minutes...

Mr. Mickens: OIP said otherwise, Jay.

Chair Furfaro: I would like you to show me what they have said to you because it...

Mr. Mickens: I gave it to you before. I do not have it today. I will be happy to give it to you again.

Chair Furfaro: Okay. I would like to get it because we took that and we had the interpretation from them. Now, I have given you the courtesy of speaking a second three (3) minutes.

Mr. Mickens: I appreciate that.

Chair Furfaro: But I want to read you how the Rule is posted. Each speaker will be given three (3) minutes on any agenda item. We are going to clarify that and I was more than glad to accommodate you today, but I do not want you to interpret this as the trend. We will get a...

Mr. Mickens: I will be happy to bring OIP's opinion again and in their interpretation, I believe it says you have three (3) minutes on any item you pick off the agenda. That is their interpretation.

Chair Furfaro: That is their interpretation. That is not how we post the Rule, we did sent that off to them, we had our own interpretation, and again, I do not want you interpret what I extended to you as a courtesy today to mean that the Rule has changed from the interpretation I have.

Mr. Mickens: Then I guess it is best that we get that interpretation corrected, right?

Chair Furfaro: I think that has been my trend.

Mr. Mickens: Yes.

Chair Furfaro: I have been more than fair with you folks.

Mr. Mickens: Right, I agree.

Chair Furfaro: And I am telling you, I do not want you to interpret what I did today as being a change of the Rule.

Mr. Mickens: Right.

Chair Furfaro: I want you to interpret it as basically a courtesy.

Mr. Mickens: Right. I appreciate that courtesy, Jay, but I just want to see that the Rule is interpreted the way OIP has. Thank you very much.

Chair Furfaro: Next speaker.

Ms. Fountain-Tanigawa: The next speaker is Joseph Rosa on C 2014-124 and C 2014-125.

(Mr. Kagawa was noted as present.)

KEN TAYLOR: Chair and members of the Council, my name is Ken Taylor.

Chair Furfaro: Ken, I am going to ask you leave the chair. I am going to ask you to leave the chair. The speaker that was called up was Mr. Rosa.

Mr. Taylor: I am sorry.

(Mr. Hooser was noted as not present.)

JOE ROSA: Good morning. For the record, Joe Rosa. I have been speaking on behalf of the audits that have been going on by the Auditor's Office. I am out in the public, and to my amaze how many people did not know what was going on. We have three (3) Public Information Officers in the County, in the Mayor's Office and yet, you hear all different kind of segments. Insurance settled with County. What is it? Did they settle with the County or the Council? Like they said, the Council did not give the approval. What gives? So, the public is left in the dark and according to the Sunshine Law also, you cannot be totally blocked off. If you get a court Judge and bring the issue before the Judge, he can decided whether it will be open or censored in a special session. That is the common practice. When I was in Vegas one time, it came out just like Ho'ike can, it came on the television in Vegas and it mentioned it was court approval by the Judge. There would be no closed session on this issue. I think here in Hawai'i it is the same thing. Let the Judges decide before you get to have it a closed issue and keep the public in the dark. Remember the First Amendment, Freedom of Speech and Freedom of the Press. We are not getting it as citizens of Kaua'i. What gives? Is this a dictatorship or is it a democracy? All of these private sessions is falling off democracy. Democracy is not behind closed doors. That is when it starts to lose its political clout. Let us be, and do what you people say when you took your oath. I will uphold the Constitution of the United State, the State of Hawai'i, and the County Charter. So, that is the thing. Give the people the facts so that there is no doubts in it, whether the County settled, whether Mr. Bynum got paid, or whatever. There is too much hanky panky going on. Let us get down to the bottom of the roots of this thing and settle it once and for all and not of this kind of money always wanting to be allotted for not even being named as to who they are going to pay the fifteen thousand dollars (\$15,000) or one hundred thousand dollars (\$100,000) or whatever. It has to be documented. Like I was saying, public officials are accountable for their actions.

(Mr. Hooser was noted as present.)

Mr. Rosa: I emphasize again, you are accountable for your actions. So, that let us give the public the right...

Ms. Fountain-Tanigawa: Three (3) minutes.

Mr. Rosa: ...use and move on with it so that also goes on, but it has not really given the people a clear clout. As I said, I am not a politician...

Chair Furfaro: Joe, your time was up. The alarm went off. So, please summarize very quickly.

Mr. Rosa: Okay. As I said, we need more public information coming out form this office here in this Council and let the people know what they want to know and hear because there is a lot of doubt. Remember, this is

an election year. We might clean house over here because the people are not satisfied and this is the time...

Chair Furfaro: Thank you, Joe.

Mr. Rosa: ...by way of the ballot to get rid of people that are a bunch of...not doing anything.

Chair Furfaro: Thank you.

Mr. Rosa: Thank you.

Chair Furfaro: Thank you, Joe. Next speaker, and we have consumed fifteen (15) minutes of the eighteen (18) minutes. So, next speaker, please.

Ms. Fountain-Tanigawa: The next speaker is Ken Taylor on C 2014-124 and C 2014-125.

Mr. Taylor: Chair and members of the Council. My name is Ken Taylor. First, I am speaking on C 2014-124. I think it is a shame that this charade continues. What started out a couple years ago, Department Head doing an excellent job turned into a political fiasco and it has been rolling along ever since. Before it is over with, I am afraid it is going to be costing taxpayers of this County millions of dollars and it is a real shame that the Mayor and you folks have participated in pushing this forward.

In reference to C 2014-125, I find it interesting that after settlement we are still pushing for fifteen thousand dollars (\$15,000) more to be spent on this item that was again, really mishandled by the Attorney's Office. I find it interesting that when Parks and Recreation or the Transportation Agency wants somebody to give them a bench worth maybe fifty dollars (\$50) they have to come and request permission to accept if from you, but yet, two hundred ninety thousand dollars (\$290,000) can be expended without your input. Something is terribly wrong. I also turned in this morning and you have probably received a letter from Walter Lewis. I do not have time to read it, but he requested that it be read so the public could be aware. I hope that one (1) of the Councilmembers will consider reading this letter into the record. Thank you.

Chair Furfaro: Thank you. We have consumed all of our time for Public Comment this morning according to our Rules. I would like to move on with the agenda please.

There being no further public comment, the meeting was called back to order, and proceeded as follows:

MINUTES of the following meetings of the Council:

March 27, 2014 Council Meeting
April 2, 2014 Special Council Meeting

Ms. Yukimura moved to approve the Minutes as circulated, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

CONSENT CALENDAR:

C 2014-114 Communication (03/19/2014) from the County Engineer, transmitting for Council consideration, a Resolution establishing a crosswalk, a bus stop, shared-use paths, one-way traffic lane, and intersection modifications on 'Eiwa Street, Līhu'e District, County of Kaua'i, based on planning, engineering, traffic investigation, and implementation of complete street concepts: Mr. Rapozo moved to receive C 2014-114 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-115 Communication (04/01/2014) from the Director of Finance, transmitting for Council information, the Period 8 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of February 28, 2014, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2013-2014. (*Copies of the Period 8 Financial Reports as of February 28, 2014 on file in the County Clerk's Office.*): Mr. Rapozo moved to receive C 2014-115 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-116 Communication (04/03/2014) from Councilmember Yukimura, transmitting for Council consideration, an amendment to the Kaua'i County Charter relating to the Cost Control Commission, to clarify that "County" government employees would be disqualified, and allow other government service employees to serve on the Commission: Mr. Rapozo moved to receive C 2014-116 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-117 Communication (04/09/2014) from the County Engineer, transmitting for Council consideration, a Resolution for establishing crosswalks, reverse angle parking, bicycle lanes, and intersection modifications on Hardy Street, Līhu'e District, County of Kaua'i, based on planning, engineering, traffic investigation, and implementation of complete street concepts: Mr. Rapozo moved to receive C 2014-117 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-118 Communication (04/10/2014) from Council Chair Furfaro and Council Vice Chair Chock, transmitting for Council consideration, a proposed Draft Supplemental Money Bill in the amount of \$12,000 from the General Fund – Unassigned Fund Balance to the Office of Economic Development for an 89-Day contract hire that would be housed in the Office of Economic Development to assist with the Ka Aha Hula O Halauola Conference and the anticipated marketing and coordinating efforts necessary prior to the Conference: Mr. Rapozo moved to receive C 2014-118 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-119 Communication (04/10/2014) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to the Comprehensive Economic Development Strategies (CEDS) – Keiki to Career

Workforce Readiness appropriation in the Office of Economic Development, Fiscal Year 2014 – 2014 Mayor's Operating Budget submittal, as she is on the Leadership Council for the Keiki to Career – Workforce Readiness initiative: Mr. Rapozo moved to receive C 2014-119 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-120 Communication (04/14/2014) from Councilmember Yukimura, transmitting for Council consideration, an amendment to Article III, Section 3.10 of the Kaua'i County Charter, as amended, relating to the setting of golf course fees, by delegating to the Executive Branch the authority to set fees for the Wailua Golf Course, a power which, under the present Charter, lies exclusively with the County Council: Mr. Rapozo moved to receive C 2014-120 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro:

Next item, Madame Clerk.

COMMUNICATIONS:

C 2014-121 Communication (04/01/2014) from the Hawai'i State Association of Counties (HSAC) Treasurer, transmitting for Council approval, the proposed HSAC Fiscal Year 2015 Annual Operating Budget, as amended, pursuant to Section 21 of the HSAC bylaws: Mr. Rapozo moved to approve C 2014-121, seconded by Ms. Yukimura.

Chair Furfaro: Thank you. I have a motion and a second. I want to give the President of HSAC, Mr. Rapozo, a few minutes. Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. In your agenda is the posted budget and I am hoping everyone had an opportunity to take a look at it. I am available for any questions that you may have.

Chair Furfaro: Thank you. Okay, we have a motion to approve. Is there any testimony on the HSAC item under Communications?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: If not, JoAnn, I want to remind you all, we have the feedback, and we have three (3) microphones on at the table. They are not coming in until tomorrow to fix it. JoAnn, you wanted the floor?

Ms. Yukimura: I know that last year there was some moneys...I am sorry. I have not had a chance to look at this. There was some money, I think, perhaps it was the National Association of Counties (NACo) prescription drug marketing fee and it is money that we get, but we do not really have to do anything, right? I mean, it does not give us major obligations? Okay. So, that is in abling things like well, what is the Prescription, and it is misspelled, Drug Scholarship Program and the County Leadership Institute Attendee because

that appears to be the use of the moneys? The twelve thousand dollars (\$12,000) that we are getting.

Chair Furfaro: I assume you have directed that question to the President of HSAC?

Ms. Yukimura: Yes, right.

Chair Furfaro: Mr. Rapozo, you have the floor.

Mr. Rapozo: The scholarship program is simply scholarships that will be awarded by HSAC to students throughout the State that are pursuing education in the medical field. It could be in any medical field. The County Leadership Institute is a program that is offered by the County Leadership Institute for twenty-five (25) County legislators throughout the Country per year. So, it is an application process and should Hawai'i be lucky enough to have one (1) of their legislators selected, this would help offset the cost.

Ms. Yukimura: Okay. I mean, I was thinking that should be paid by individual County budgets rather than an HSAC thing.

Mr. Rapozo: That is up to you. Do you want to have the taxpayers pay or HSAC? I mean, I think it is...whatever we can get away from the County taxpayers we should be thankful.

Ms. Yukimura: But I mean we are paying. This comes out of our budget, the membership fees of...

Mr. Rapozo: No, this comes out of the Prescription Drug Program, JoAnn, not the County. This is not your membership fees. This is over and above your membership fees that we pay. This is moneys that...

Ms. Yukimura: Well, I was thinking maybe we could discount our membership fees if we have another source of money.

Mr. Rapozo: We could. That is definitely a possibility.

Ms. Yukimura: I mean, because you have to...seven thousand five hundred dollars (\$7,500) is not a whole lot of money and I do not know that we want HSAC to get into a scholarship program.

Mr. Rapozo: Why not?

Ms. Yukimura: Because HSAC is mainly to develop, my understanding, to come together and discuss and lobby on issues that are similar to all Counties. To me, you develop scholarship programs and those kinds of things if you want to at the County level. I think you run in danger of kind of creating bureaucracy to do things that are not really on point or on mission of HSAC.

Mr. Rapozo: May I respond, Mr. Chair?

Chair Furfaro: Go right ahead. You have the floor.

Mr. Rapozo: First of all, I do not think it is legal for the County to award scholarships. We are a government entity. We cannot award scholarships. HSAC is a non-profit. Like many non-profits throughout the world, they offer scholarships. We felt that the moneys that were derived from the Prescription Drug Program should be given back to the communities that we serve in the form of scholarships to students that is going to advance their career in medicine, in some form of medicine, nursing, dental, or whatever the case would be. We felt that was an appropriate use of the funds and the County Leadership program that was proposed by City and County of Honolulu. Again, it is an opportunity for our legislators to apply for this program. We believe that would also be moneys well spent from the Prescription Drug Program. I mean, any Councilmember...obviously, if you have a concern...we vote against the budget, we do require four (4) Counties to approve. It has to be unanimous and if you have a proposal that you would like to see it differently, then I would be more than happy to take it back to our meeting next month.

Ms. Yukimura: I have not had time to really look at this, but I am wanting us to focus on what our mission is as HSAC. I remember when HSAC dues were twelve thousand dollars (\$12,000) a year, now it is forty-three thousand dollars (\$43,000). We have a really tight Council budget. Another twenty thousand dollars (\$20,000) here and there could do things that we need in our...we are going to be searching for that in our budget. I am not going to try to propose an alternative this year, but I just want to raise the questions to really think about what HSAC's mission is. I mean, it may almost be better to hire a lobbyist than to start a scholarship program if you think about our mission. So, I just raise these questions to start us thinking about it.

Mr. Rapozo: Thank you. Mr. Chair?

Chair Furfaro: Mr. Rapozo, would it be improper for me to request that maybe there is some discussion on the June 10th meeting in Honolulu with all of the Councils there to revisit the mission statement? I am going to support this scholarship piece. I am just...so we can all participate in the mission statement. Can I make that request? I will put it over to you in writing.

Mr. Rapozo: Yes, it is. Thank you. I just want to make it clear that the membership fees are not paying for the scholarships.

Chair Furfaro: Yes, I understood that.

Mr. Rapozo: I am not sure if the Councilmembers appreciate what HSAC does. I think Mr. Chair, I think in the last couple of weeks I think you have seen the work. I think this year more than any other year, the work that has been put in to getting collaboration with the Mayors and the Chairs of the Counties. I think we cannot undervalue what HSAC does and I understand forty-three thousand six hundred eighty dollars (\$43,680), that is from all four (4) Counties, but included in that is our NACo fees. We have to pay NACo. HSAC has to pay Western Interstate Region (WIR) with the regional fees and we have to pay the National fees. So, it is not forty three thousand dollars (\$43,000) for HSAC. It is forty-three thousand dollars (\$43,000) to benefit from the NACo programs and the WIR programs. I mean, I guess to use Mr. Hooser's word, "flabbergasted," that you would question what HSAC does. I think HSAC is very important to this County and many of the Bills that are going through the legislature today are still alive because of the efforts of HSAC and its members. I am not just talking about

the four (4) Executive Board members, I am talking about all the Councilmembers that have contributed. It is the will of the Council. We will take back whatever this Council wants. Ashley is our HSAC staff and I will take this opportunity to thank Ashley for all her work. She should be getting paid an extra forty-three thousand dollar (\$43,000) just for the work she does for HSAC. She is the person that does all the work for HSAC in basically being the traffic cop and getting everything where it needs to be. Obviously, we will take the will of this Council back at the next meeting. I would sincerely ask for your favorable vote on this today though. Thank you.

Chair Furfaro:

Okay. Mr. Hooser.

Mr. Hooser: I would like to vote in support, move this forward, and thank Councilmember Rapozo for his initiative and leadership on spearheading HSAC at a Statewide level, but certainly also at the local level. I think that when certain individuals step forward to lead and do the work necessary and spend the time necessary to lead, that when possible, we would defer to their judgment. I certainly defer to the President of HSAC, Councilmember Rapozo's, judgment. I think it is a worthwhile use of funds and looking forward to voting in the affirmative. Thank you.

Chair Furfaro:

Mr. Chock.

Mr. Chock: Thank you. Thank you for that as well because that is my sentiments as well, that first to acknowledge the work and the volunteerism that goes into the people to who serve on HSAC because they do a lot for supporting the Counties as a whole. I think that it might be a little bit...since as Councilmember Yukimura has said, we have not had the time to look at all of the details, but Chair, if it is possible that any suggestions moving forward would be put into writing and then either vetted later as suggestions, but I have confidence and I want to trust the bodies that have stepped up to the table to participate in that process and allow them to move forward. I want to support it now and move forward. Thank you.

Chair Furfaro:

Councilmember Yukimura.

Ms. Yukimura: Yes, I am not at all questioning the value of HSAC. I know how important it is for the Counties to speak in one (1) voice and I think HSAC gives us that ability to do that. I appreciate Councilmember Rapozo's leadership which has been very outstanding, but I do want to really keep track of what our mission is and so that is why I am raising these questions. As I said, I am not planning to vote against this budget, but I guess I was there when Councilmember Chang at the Executive Committee, was talking about travel. I am...I just have some...I think we have to be really careful about what we spend and how we do it on behalf of all of the Counties. So, I just want to raise the question and none of this is meant to question the purpose of HSAC or the value or Councilmember Rapozo's leadership.

Chair Furfaro:

Okay. Mr. Kagawa.

Mr. Kagawa: Thank you, Chair. I too, will be supporting the budget for HSAC and appreciate Councilmember Rapozo and Ashley's work. I did get to represent Kaua'i at one (1) meeting and I see the value of collaborating with the other Counties as we face issues such as raising more revenue for our

County in the future. All of our Counties may have to look at other options besides just real property taxes. We may have to look at things such as General Excise Tax (GET) increases to support transportation to support our growing budgets. It is always better for the Counties to come together and testify in favor of something when it deals with the State Legislature. Thank you.

Chair Furfaro: Okay. I think I want to put this item to bed.
In fact...

Mr. Rapozo: I just want to...

Chair Furfaro: Oh, sure.

Mr. Rapozo: If I may, Mr. Chair?

Chair Furfaro: Go ahead.

Mr. Rapozo: Thank you. Just because forty-three thousand six hundred eight dollars (\$43,680) seems like a lot of money, but I did want to break that down. We as HSAC, we have to pay NACo, our mother organization, twenty-seven thousand two hundred sixty-eight dollars (\$27,268) a year. We have to pay the region three thousand eight hundred four dollars (\$3,804) a year. So, that brings up or dues to the National and Regional organization to thirty-one thousand seventy-two dollars (\$31,072) leaving a net dues if you will, of twelve thousand six hundred eight dollars (\$12,608) that stays with HSAC. So, I think it is important to understand that it is not all HSAC money. We have to pay bills too. The net dues that HSAC retains is the twelve thousand six hundred eight dollars (\$12,608). Thank you.

Chair Furfaro: Thank you. Mr. Rapozo, I want to thank you. When you were first nominated to HSAC, I was proud to be one of those that nominated you. You are the President of HSAC. You do a darn good job for us, to sit with that group of Councilmembers from the other Counties. The bottom line here is the fact that if we are going to exercise influence on the State Legislature, it comes from your body. I have to tell you, you have been an outstanding job supported with Ashley. I have gone to the last three (3) meetings. I am very pleased with the actions, but I would request that maybe it would be good for all the Counties to revisit the mission statement in June as a potential agenda item. I will send that correspondence over. My hats off to you and I will certainly support this approval.

The motion to approve C 2014-121 was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: On that note, I would like to take a break from the agenda to go to a recognition piece.

There being no objections, the Council recessed at 9:49 a.m.

The meeting was called back to order at 10:09 a.m., and proceeded as follows:

Chair Furfaro: We will pick up on item C 2014-122, please.

C 2014-122 Communication (04/07/2014) from the Acting Director of Personnel Services, transmitting for Council information, the January-March 2014 Department of Personnel Services Quarterly Report, pursuant to Section 19 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2013-2014, which includes new hires, transfers, reallocations, promotions, and vacancies for the second quarter: Mr. Rapozo moved to receive C 2014-122 for the record, seconded by Mr. Chock.

Chair Furfaro: Discussion? Anyone here wanting to give testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2014-122 for the record was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: Next item, please.

C 2014-123 Communication (04/09/2014) from Mauna Kea Trask, First Deputy County Attorney, transmitting for Council information the Quarterly Report on Settled Claims Against the County of Kaua'i from January 1, 2014 through March 31, 2014: Mr. Rapozo moved to receive C 2014-123 for the record, seconded by Mr. Chock.

Chair Furfaro: I have a motion and a second to receive. Any discussion? Anyone wanting to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2014-123 for the record was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

RICKY WATANABE, County Clerk: Next item is C 2014-124.
Chair, I...

Chair Furfaro: Could you hold on just right here?

Mr. Watanabe: Yes.

Chair Furfaro: I will turn over that item and the next item because I need to return some phone calls on the second item and we have had discussion during the first session, but I will turn those two (2) items over to Vice Chair Chock. I will come back when we go to Legal Documents. Mr. Chock.

Council Chair Furfaro relinquished Chairmanship to Mr. Chock.

(*Council Chair Furfaro was noted as recused.*)

C 2014-124 Communication (04/17/2014) from the County Attorney, requesting authorization to expend funds up to \$100,000 for Special Counsel's continued services to advise and represent the County Council in matters relating to the investigation of personnel matters involving the County Auditor's Office, and related matters (including Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-1-0340 (Fifth Circuit Court)), and related matters.

Mr. Chock: Thank you, Mr. Clerk.

Mr. Watanabe: Vice Chair, we have an Executive Session item scheduled for this item first.

Mr. Chock: And this Executive Session item is scheduled for 3:00 p.m. today. This item needs to be approved at this time and I can take any testimony as well.

Mr. Rapozo: No, we are not approving that now.

Mr. Watanabe: After Executive Session.

Mr. Chock: Okay sorry.

Mr. Watanabe: We will just take public testimony.

Mr. Rapozo: Yes, we can.

Mr. Chock: We can take public testimony. Is anyone signed up for public testimony on this item?

Mr. Watanabe: Not on this item.

Mr. Chock: Okay. Thank you. Anyone from the community would like to speak on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

Mr. Watanabe: We will move that to the end of the calendar.

Mr. Rapozo: I am sorry. Are we on C 2014-125?

Mr. Watanabe: C 2014-124.

Mr. Chock: C 2014-124.

Mr. Rapozo: Oh, okay.

Mr. Chock: The next item.

Mr. Watanabe: The next item we have a registered speaker. So, let us read the agenda item, Vice Chair.

Mr. Chock: Okay.

C 2014-125 Communication (04/17/2014) from the County Attorney, requesting authorization to expend funds up to \$15,000 to retain Special Counsel to advise the Council concerning coverage under the County's insurance policy with Everest National Insurance Company, in connection with the lawsuit Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 JMS-RLP (United States District Court), and related matters.

Mr. Watanabe: We have one (1) registered speaker.

Mr. Chock: Thank you, Mr. Clerk. This motion is also going...I mean, this item is also going into Executive Session. At this time we will suspend the rules for the speaker.

Mr. Watanabe: Shaylene Iseri.

There being no objections, the rules were suspended to take public testimony.

Mr. Chock: Shay, are you going to speak on this item?

SHAYLENE ISERI: Yes, but the other people here are telling me that they signed up first.

Mr. Chock: My understanding is that...

Mr. Watanabe: They spoke during the Public Comment portion.

Mr. Chock: You folks speak on this during the Public Comment, right? So, I think that we just have you. Yes.

(Mr. Kagawa was noted as not present.)

Ms. Iseri: Good morning Council Vice Chair Chock and the rest of the members of the County Council. There were several things that I just wanted to point out. I still have not received a signed agreement of the settlement and have not fully seen one that has been signed. I am not sure if the County Council has, but I have not. What I did see was what was placed on the record and it is definitely very different from what was the initial agreement that I was given. So, I would ask the County Council to review that because I am not sure what agreement the County Council ratified, because to my knowledge there were negotiated terms that amended the agreement that the County Council had previously ratified. Secondly, I wanted to point out in clause nine of the agreement, there is absolutely no admission of liability that this is purely a financial compromise apparently between the insurance company and now they have included the County as a settling party, which is again, very shocking to me because it was clear from the Council's sentiments expressed at many, many meetings prior that it had not seen the settlement agreement and that it was not in favor of the actual settlement, but was coerced in essence, voting to ratify a settlement or else it would be sued for breach of contract by the insurance company.

(Mr. Kagawa was noted as present.)

Ms. Iseri: I would also like to point out clause thirteen and in clause thirteen it has a specific provision of advice of Counsel and it again, is very shocking to me that this clause was put in. Again, I am not clear what was ratified by the County Council because we had not seen the agreement and I have not seen a finalized agreement, but if we look in clause thirteen...hold on. I am sorry. I am trying to get there so that I can read it verbatim. If you would just give me a moment here. It is coming out. Again, it says on advice of Counsel, it...hold on. Let me just pull it up. Sorry for the inconvenience here. I am not sure if you all have a copy of the agreement because that was publicized and I did get a...actually, I never got a copy, but I actually got wind of it because the media called me for comments before I even had any discussions with my attorney or the County Attorney, Richard Nakamura. It is trying to download here.

Mr. Watanabe: Three (3) minutes.

Ms. Iseri: Or if you folks have a copy, I could refer to it.

Mr. Chock: Three (3) minutes. You need to bring something up?

Ms. Iseri: Yes.

Mr. Chock: Three (3) minutes already passed. So, if you can pull it up and summarize and then we can get the next speaker.

Ms. Iseri: Oh, do I have three (3) minutes or six (6) minutes?

Mr. Chock: We can give you another three (3) if you can move towards it.

Ms. Iseri: Okay, hold on. If I would point out...

Mr. Rapozo: Mr. Chair, does anyone have a copy of that?

Mr. Chock: I had an E-mail.

Mr. Rapozo: You have one, of the agreement?

Mr. Chock: Yes.

Mr. Rapozo: Maybe if someone has it we can...I never received it. So, I do not know and it is very difficult.

Mr. Chock: So, I want to honor the time that we have given her three (3) minutes and an additional three (3) minutes, which is running now, and then we can continue the discussion.

Ms. Iseri: Well, I think it is unfair for you to run your time while you are having a discussion there without my speaking.

Mr. Rapozo: Yes, I mean...

Mr. Chock: That is why I want to stop.

Mr. Rapozo: I just want to...

Mr. Chock: Do you have more to share?

Ms. Iseri: Yes, I do.

Mr. Chock: Okay, then continue.

Ms. Iseri: Okay, and if I could go on...

ALFRED B. CASTILLO, JR., County Attorney: Excuse me, Vice Chair Chock. Al Castillo, County Attorney. It appears to me that you have not been privy to the conversations that I have had with Council Chair Furfaro. Yesterday, I had discussions with the Chair and the staff regarding the subject matter of C 2014-125. The parameters of this, the agenda item is to advise the Council concerning the coverage under the Council's insurance policy and the understanding. I ask that you check with Council Chair because the understanding and I just want to be everyone involved because the understanding that I had yesterday was that this agenda item is specifically for the coverage and the relationship with the County, and the discussion that would happen on the floor today would be specifically to that and not including the settlement. So, I would ask that we recess and if you can check what I represented to you and if that is correct, and then we can go on.

Mr. Chock: Okay. So, I want to see if we can get through this public testimony period. I know there is a few more minutes on the clock here. I do take what you have to say at heart and so if we can keep it to the agenda item, which is specific to the insurance company settlement, then that is what I would request.

Ms. Iseri: Well, I would ask that you revisit the agenda item. It says, "and related matters." What I am speaking on is clearly what is relevant to related matters.

Mr. Chock: Okay.

Ms. Iseri: And that is what is on the agenda. So, I would like...I find it extremely disrespectful for a County Attorney who has already claimed that he has a conflict, to speak on this matter and disrupt my testimony and my time.

Mr. Chock: Okay. You have more time.

Ms. Iseri: This does not follow Robert's Rule of order.
It does not.

Mr. Chock: How much more time do we have?

Ms. Iseri: And three needs to be some professionalism...

Mr. Chock: Three (3) minutes? Okay.

Ms. Iseri: ...in this body. I mean, that is so extremely rude and that should not be allowed to happen.

Mr. Chock: Your comments are well-taken. Thank you. You have three (3) minutes more to continue and then...

Ms. Iseri: Is my three (3) minutes starting from now?

Mr. Chock: Yes. Actually, it is staring right now.

Ms. Iseri: Okay. On clause thirteen, Advice of Counsel. The settling parties were represented throughout the lawsuit by competent and experienced legal counsel. The settling parties, which is the County, understand the contents of this agreement and have had an opportunity to review and consider the terms of this agreement with their legal counsel and those attorneys have reviewed this agreement. It is very evident from the conversation we just had before by Councilmember Rapozo, that he had not had the opportunity to have the agreement, that he in fact appears to not even know what is contained in the agreement even before the agreement, and I can say myself in my official capacity as a settling party, had not even had an opportunity to review this agreement. We know this from all of the sentiments that had been expressed by these Councilmembers that they have not seen. In fact, most of the time I was the first one to bring it to the attention of the Council what the prior negotiations were. So, it is very offensive for a County Attorney and a Special Counsel to lock the County Council in signing this agreement that says an untruthful statement. That is offensive and that clause, my understanding, I am not sure who is going to sign it because I have not seen the signature, but this is really a disaster in many respects because it is obvious till today, the County Council is not being kept abreast as required, by the professional rules of conduct as required by all attorneys. To put a clause that is specifically self-serving for the County Attorneys is highly improper and irresponsible, and that this County Attorney needs to be held accountable for clauses that are detrimental to the County.

This clearly shows a lot of adjectives that come to mind. It is fraud, it is manipulation, it is deceit, and it has cost these taxpayers almost, it will be one million dollars (\$1,000,000). It is just shocking to me what has occurred in this case. It is a disaster, it is a travesty, and this Council body needs to step up and take action. There are numerous improprieties that have been brought forth for the last several months. We did not even have an agreement even though back on February 7th we withdrew all of our motions to dismiss that had been completed in July. Our County Attorneys continued our motions to dismiss three (3) times so that we could have the insurance company in, when had we done the motions to dismiss when it was initially scheduled in October, I bet you we would have saved at least five hundred thousand dollars (\$500,000), but instead the County taxpayers are now stuck with this bill, stuck with the settlement amount, and now not only for this but for future litigation. Our premiums have gone up substantially and I ask you to look at all of those amounts, how much we have been charged. We are paying almost double for premiums because of all of the sediment of the lawsuits by this County Attorney. Action needs to be taken. It needs to be taken immediately so the taxpayers do not suffer any more of these dire consequences that did not have to occur.

Mr. Chock: Okay.

Ms. Iseri:

Thank you.

Mr. Chock: Thank you. This will come back for discussion later on the agenda. So, we will call this meeting back to order for some discussion and then move on.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Mr. Kagawa: Thank you, Chair. A request was made by Mr. Taylor if we could have Walter Lewis' letter to us regarding this item read into the record. So, I will ask if the Chair would like to have the staff...

Mr. Chock:

Would you be reading it?

Mr. Kagawa:

I think the staff can read it.

ALLISON S. ARAKAKI, Council Services Assistant I: A Better Kaua'i. The most bizarre case for Kaua'i since the notorious lawsuit filed in 2004 in which the County sued the County seeking to invalidate the voter approved Charter amendment for residential taxpayers is surely the Federal District Court action filed in September 2012 by County Councilmember Timothy Bynum against the County and two (2) County employees (both individually and in their official capacity) seeking damages principally for alleged violations of his civil rights.

When Mr. Bynum took office he swore under oath to serve the County of Kaua'i and its people. His case is the only known instance where a Councilmember has sued the County. It strains credulity to believe that suing the County and seeking damages from it for mental anguish is serving its people. While Mr. Bynum may have felt aggrieved by the actions of the two (2) employees he named in his complaint, he well knew that the County and its citizens would bear the economic burden of defending his case when it was named a defendant. If his desire for financial compensation exceeded his obligation to serve would it not have been more in keeping with honoring his oath for him to end his service as a Councilmember and bring his suit as a private citizen?

Other strange aspects of the case involve the actions of the Office of the County Attorney in regard to the liability insurance the County maintains. In broad, the County's policy specifies a per case liability coverage against judgments, settlements and litigation costs up to ten million dollars (\$10,000,000) with a five hundred thousand dollars (\$500,000) deductible. Annual premium is over five hundred thousand dollars (\$500,000). Defense of a case is assumed by the insurer when the deductible is met and thereafter the insurer is authorized to settle the case within policy limits. At the outset the County Attorney recognized that the attorneys in his office would not be able to adequately defend the case and he arranged for three major Honolulu law firms to defend the County and the two (2) employees in their official capacity. Under County practice estimated costs for such Special Counsel are approved by the County Council and the firm's advice is considered in Executive Sessions. Under this routine important information is withheld from the public. Since last summer, Counsel for the County and its employees had prepared customary summary judgment motions to dismiss the case, but when Counsel costs soared, it appears that the County Attorney maneuvered to have the motions hearing deferred and for the insurer to assume responsibility for the case and to look for a settlement.

As Counsel costs approached the incredible amount of seven hundred fifty thousand dollars (\$750,000), a settlement was negotiated between the insurer and Bynum only a day before the frequently deferred date for hearing the motions for summary judgment. It called for the payment to Bynum and his attorneys the sum of two hundred ninety thousand dollars (\$290,000). Although the insurer had the absolute right to consummate a settlement, it asked the County Council to ratify what it had done and apparently the Council was threatened that if it failed to ratify it would violate the insurance contract. The request to the Council seems unjustified. If the insurer had plenary authority to settle, the ratification sought was unnecessary and if the insurer did not, the failure to ratify would not be a violation.

On April 11th, the Council held a Special Meeting to consider the position. The public testimony opposing the settlement was, as is customary for the Council, ignored. Following the public testimony an Executive Session was held. Its content was veiled from public view, but its significance was dubious except that it gave Councilmembers additional cause to complain about County Attorney's Office actions. Although the April 11th meeting was probably futile, the remarks and action by the Councilmembers were interesting. Two (2) of the six (6) members present (Bynum was recused) reasonably believed that approval of the settlement amounted to a Council judgment on the case which they felt was inappropriate, and they wanted the case resolved by the judicial proceedings. The remarks of the other members were mostly of a resigned nature oriented to the view that it would be best to get the odious matter behind them. The Council voted 4:2 to ratify the settlement made by the insurer.

So, the bottom line for this unprecedented instance of the County being sued by an incumbent Councilmember is that the taxpayers of the County and the liability insurer will initially share more or less equally the over one million dollars (\$1,000,000) bill for the case. Taxpayers will also bear the burden of the experience adjusted insurance premiums that will doubtless ensue. So much for Bynum's oath to serve the County and its people. Bynum will not likely net anything of significance from the settlement after paying his legal costs and the two (2) County employees will have to meet the costs related to their defense of the suit individually. All in all it was a sorry episode. Perhaps the only silver lining was that it allowed the Council a closer look at the manipulative operations of the County Attorney's office which may enable some badly needed improvement to be made. Regards, Walter Lewis.

Mr. Chock: Thank you. So, we are going to have this discussion after we hear this item in Executive Session. Councilmembers, if there is no other comments, I would like to ask that we move forward.

Mr. Rapozo: I just have one (1), and it is in response to it. I know the County Attorney referenced a discussion he had with the Council Chair yesterday. Obviously, I am not aware of what they spoke of, but I can tell you that I had requested an agenda item for this body in Executive Session to discuss or basically to update us what occurred. I think many of us have concerns about how the process and how authority got...I mean, I think JoAnn just spoke about that the other day at the budget hearing about how the Council lost its authority. The Chair assured me that he would not post what I had requested, but that this posting here was sufficient for us to have that discussion today in Executive Session. So, I want to make sure...that was what I was told by the Chair. So, again, I am not sure what the County Attorney and the Council Chair agreed to yesterday, but I can tell you

that whatever they agreed on does not flow down to me. I know what I was told and I know what assurances I was given. I plan to discuss as we go into Executive Session. I plan to discuss it. Again, I am deeply concerned that I am looking at Mr. Lewis' testimony and it seems like the public is privy to more information than we are and I think that is troubling and maybe they know how to finagle, not finagle, but they know how to access court documents at Federal Court. I do not. So, I am not able to get what they can get, but I think it is disturbing that the public can get information be we can. That is part of the issue that I want to discuss today, is how in the world can this Council be expected to make right decisions if we are not given all of the information available? So, I will definitely be seeking that discussion once we get into Executive Session.

Mr. Chock:

Councilmember Yukimura.

Ms. Yukimura: I just want to say that while I did not necessarily agree with what Ms. Iseri said, I think she was within the bounds of the relevance of the posted wording of the agenda item. I think she was within relevance to it.

Mr. Chock:

Councilmember Hooser.

Mr. Hooser: I think Mr. Lewis' testimony, he mentioned "a sorry state of affairs" or something and I think the reading of his testimony, the constant battering of Councilmember Bynum is further indication of the sorry state of affairs that this Council continues bringing up over and over again. We voted on the agreement. This agenda item says "advise the Council concerning coverage under the County's insurance policy." Okay? That is what we are supposed to be talking about. The fifteen thousand dollars (\$15,000) to retain Special Counsel, in connection with the lawsuit, and related matters. We are not supposed to be spending half an hour talking about related matters. We are talking and we are supposed to be talking about the fifteen thousand dollars (\$15,000) to retain Special Counsel in connection to these other matters. So, I find it offensive to read Mr. Lewis' testimony as it repeatedly rehashes his opinion of the case. However, I acknowledge Councilmember's prerogative if you would or courtesy to allow them to request that, but I think this Council needs to move forward and stop rehashing the issue over and over and over again that has been settled. Maybe some here feel it has not been settled, but I believe we voted on it to settle it and now we need to talk about additional funds to hire Special Counsel to discuss the insurance policy and related matters. So, I appreciate the Chair managing this very difficult issue. I understand the pressure that comes from the public who want to speak on it and the difficulty in controlling public testimony, but I would just like to see this Council move forward. This is a dark and ugly phase that we need to get out of and not just revisit week after week after week. I think it would be in the community's best interest and our best interest to close the door on this chapter and move forward. That is my personal opinion and I appreciate the time to state it.

Mr. Chock:

Thank you. Any further comments?

Mr. Rapozo:

Just one (1) quick one, Mr. Chair.

Mr. Chock:

Okay. Sure.

Mr. Rapozo: I thought we had put this behind us. I, like everyone else wants to get past this dark period, but I have a difficult time and that

I why I went to see the Chair about a posting, was because I have a difficult time with this Counsel ratifying an agreement that is later changed by the attorneys that we hired, that we paid seven hundred fifty thousand dollars (\$750,000) that represents this Council. My attorney, our attorney comes to us and says, "Hey, we need to settle this." Majority rules, I did not support it, but it passed. Then, the day that the settlement is to be recorded in Federal Court it is different. What attorney has that authority to come and get agreement from their client and then change the terms, add terms? That is why I asked for the posting and I was assured that this language was going to allow me to discuss that in here. So, I agree with Mr. Hooser. I want this thing over. I want it to be done with, but this is like a hemorrhoid. It keeps coming back and it is a pain in the butt. I am sick of it, but until I get my answers, rest assured I am going to continue to post what I believe needs to be discussed because it is wrong. Look at today's agenda. Six (6) more claims today. This is going to incite lawsuits, the way this one was handled and that is why, Mr. Chair, I sought the posting. I wanted a specific posting. I was assured this language was going to be sufficient. I appreciate it. Thank you.

Mr. Chock: Thank you. That is why it is so important to get the language right in the posting and I think that may have been where three (3) more added words were to help guide us in the direction of your request. I am happy that I can respond to the request of all Councilmembers as they want to read things into our documents here, and what a great time for a phone call from Council Chair. We will be moving this forward. My hope is that it does end shortly, but we will move onto the next item if no other discussion is on the table. Thank you. Is he returning? He wanted to come back for the Legal Documents. So, if we could pause for a moment we can move forward or can we just move forward and...

Mr. Watanabe: Okay, let us take the claims if that is okay.

There being no objections, C 2014-128, C 2014-129, C 2014-130, C 2014-131, C 2014-132, and C 2014-133 were taken out of order.

CLAIMS:

C 2014-128 Communication (03/31/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Kimo M. Keawe, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2014-128 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-129 Communication (04/07/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Lisa Loketi, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2014-129 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-130 Communication (04/07/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Patrick and Lisa McCluskey, for damages done to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2014-130 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-131 Communication (04/14/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Tire Warehouse, for damages to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2014-131 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-132 Communication (04/14/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Kaua'i Island Utility Cooperative, for damage to their property, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2014-132 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

C 2014-133 Communication (04/15/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Farmers Insurance Hawai'i, Inc., as subrogee for Bruce Stine, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2014-133 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

(Council Chair Furfaro was noted as present.)

Mr. Chock: Mr. Chair, we are done with the claims and have yet to get to the Legal Documents.

Mr. Chock returned Chairmanship to Council Chair Furfaro.

Chair Furfaro: Let us do that, Mr. Clerk. Let us go to Legal Documents.

LEGAL DOCUMENTS:

C 2014-126 Communication (03/19/2014) from the Chief of Police, recommending for Council approval, a two-year extension beginning December 1, 2013 to December 1, 2015, of the Memorandum of Understanding for use of the Hanapēpē Armory facilities and property located at Building 1, 1-3460 Kaumuali'i Highway, Hanapēpē, Kaua'i, Hawai'i, as a mini-substation by the Kaua'i Police Department, and to indemnify the Hawai'i Army National Guard (HIARNG).

- Extension of Memorandum of Understanding (MOU) between the County of Kaua'i and the Hawai'i Army National Guard (HIARNG)

Mr. Rapozo moved to approve C 2014-126, seconded by Mr. Kagawa.

Chair Furfaro: I have a motion and a second. Do we need anyone from the Police Department to come up? Members, are you okay with that? Very good. I see that they are in the audience. Any public testimony on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Seeing none, the motion is to approve.
Mr. Kagawa, you have the floor.

Mr. Kagawa: Chair, I guess if you can give a really short update as to...Richard is back there. If you want to give us a short update on what this is doing. Just a simple extension of time or is it adding to what we have?

There being no objections, the rules were suspended.

Chair Furfaro: If you could give us a quick briefing and I also see you have a representative for the Police Department from the County Attorney's Office here, but gentlemen, let me ask you to first introduce yourselves.

NICHOLAS R. COURSON, Deputy County Attorney: Good morning Chair, good morning Council. Nicholas Courson, Deputy County Attorney.

Chair Furfaro: Nick.

RICHARD ROSA, Acting Captain: Good morning Chair and Councilmember. Acting Captain, Richard Rosa with the Kaua'i Police Department Patrol Services Bureau.

Chair Furfaro: Okay, Officer Rosa, if you could just give us a quick update as Mr. Kagawa has requested on this Memorandum of Understanding on the extension.

Mr. R. Rosa: Yes, this is an agreement we entered with the Hawai'i Army National Guard a few years ago to show a bigger or more presence in the Hanapēpē community to deter crime and to have the public easier access to our officers. It has been working out well. We have been using the office space and working in conjunction with the Army Nation Guard. As you are aware, we also utilize the Kapa'a Armory too.

Chair Furfaro: Right.

Mr. R. Rosa: So, we are at both facilities.

Chair Furfaro: Everything is working well for the intended use at both sites for you folks?

Mr. R. Rosa: Yes, sir.

Chair Furfaro: Okay. Questions? Mr. Kagawa, you still have the floor.

Mr. Kagawa: Well, first of all, I want to thank you for extending this agreement. I think prior to this agreement we operated only out of the Waimea substation and having that Hanapēpē, I think more substations are better. So, thank you for that. Is that room equipped with communication devices and such or just basic?

Mr. R. Rosa: Yes, it is a basic office. We have a desk and the computers that we can link up to Lihue and the County system. As far as our communications, we have a telephone and portable radios. So, that is sufficient.

Mr. Kagawa: Thank you.

Chair Furfaro: Other questions members? No? If not, Captain and to the Attorney's Office, thank you for being present. Any other testimony?

The meeting was called back to order, and proceed as follows:

Chair Furfaro: We have a motion on approval. This will be a simple voice vote or...voice vote will be sufficient.

The motion to approve C 2014-126 was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: Next Legal Document, please.

C 2014-127 Communication (03/31/2014) from the County Engineer, recommending Council approval of a Right-of-Entry Agreement with Association of Apartment Owners of Lae Nani, Inc., for the purpose to allow maintenance of an existing drainage system that crosses the Lae Nani property, situated at Tax Map Key (TMK) No: (4)4-3-02:10.

- Right-of-Entry Agreement

Ms. Yukimura moved to approve C 2014-127, seconded by Mr. Rapozo.

Chair Furfaro: I have a motion to approve and a second from Mr. Rapozo. Do we have any discussion on this item or need anybody to come up on the Right-of-Entry? Any further discussion?

The motion to approve C 2014-127 was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: Moving right along to the County Clerk.

COMMITTEE REPORTS:

PUBIC WORKS / PARKS & RECREATION:

A report (No. CR-PWPR 2014-03) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

"PWPR 2014-03 Communication (04/09/2014) from Council Chair Furfaro, requesting the presence of the County Engineer, to provide an update on the scope-of-work and future plans for Pouli Road,"

Mr. Rapozo moved for approval of the report, seconded by Mr. Chock.

Chair Furfaro: Discussion? Anyone wanting to testify on this Committee Report?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

A report (No. CR-FED 2014-21) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2534 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND SOLID WASTE DISPOSAL FUND (*Solid Waste Disposal Fund, Solid Waste Recycling – Other Services - \$700,000*),”

Mr. Kagawa moved for approval of the report, seconded by Mr. Rapozo.

A report (No. CR-FED 2014-22) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be the Approved on second and final reading:

“Bill No. 2535 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND SOLID WASTE DISPOSAL FUND (*Solid Waste Disposal Fund, Solid Waste Disposal – Other Services - \$500,000*),”

Mr. Kagawa moved for approval of the report, seconded by Mr. Rapozo.

A report (No. CR-FED 2014-23) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2536 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Department of Finance – Administration, Special Projects – Kaua'i Humane Society (Cat Licensing Fees) - \$10,000*),”

Mr. Kagawa moved for approval of the report, seconded by Mr. Rapozo.

Chair Furfaro: I have a motion and a second. Mr. Dill, is this one (1) of the items you are here for if there is any questions? Questions from anyone from Solid Waste? Any questions from the public?

The motion for approval of CR-FED 2014-21, CR-FED 2014-22, and CR-FED 2014-23 was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: Very good. Next Committee Report, please.

Mr. Watanabe: We are done with Committee Reports, Chair.
We are on Resolutions.

Chair Furfaro: Oh, I see. I am sorry. Yes, okay.

RESOLUTIONS:

Resolution No. 2014-16 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2014 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

Chair Furfaro: Excuse me, Mr. Clerk. We are still waiting for Housing. They are not here. So, why do we not go to Resolution No. 2014-26 and Resolution No. 2014-28? I see the County Engineer and his staff here, but I do want to tell them, Larry, I think you will have to come back this afternoon for the other items. So, let us read those items.

Resolution No. 2014-26 – RESOLUTION ESTABLISHING CROSSWALKS, BUS STOP, SHARED-USE PATHS, ONE-WAY TRAFFIC LANE, AND INTERSECTION MODIFICATIONS ON 'EIIWA STREET, LIHU'E DISTRICT, COUNTY OF KAUAI: Mr. Kagawa moved to adopt Resolution No. 2014-26, seconded by Mr. Chock.

Chair Furfaro: Okay, I have a motion and a second.

Mr. Kagawa moved to amend Resolution No. 2014-26 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 1, seconded by Ms. Yukimura.

Chair Furfaro: Lyle, are you and the Building Department going to come up and make a presentation here? You have the floor.

There being no objections, the rules were suspended.

LYLE TABATA, Deputy County Engineer: Chair, thank you. Lyle Tabata, Deputy County Engineer, members. Doug Haigh, who is the project manager for our Hardy Street/Eiwa Street construction, is here to do a presentation.

DOUGLAS HAIGH, Chief of Buildings: Good morning, Doug Haigh, Building Division, Department of Public Works. I apologize for having it out of order to your order, but I have prepared a presentation for the Hardy Street and 'Eiwa Street Traffic Resolution jointly because they are somewhat related and very similar. I will start with Hardy Street if that is okay. The reasons for the Hardy Street Traffic Resolution. We are looking at safety improvement, implementation of complete street modifications, partial implementation of Līhu'e Civic Center Site Improvements Master Plan, and the Līhu'e Town Core Plan.

(Mr. Chock was noted as not present.)

Mr. Haigh: This is just a picture of the Līhu'e Civic Center Master Plan. The Hardy Street traffic Resolution covers the Hardy Street section of this plan and we are incorporating the roundabout that was identified in that Master Plan and the enhancements on the street with landscaping and bike lanes, that sort of thing. I will get into that specifics in a minute. The Līhu'e Town Core Urban Design Plan. Similar. They called for new sections on Hardy Street showing both landscaping, travel lanes, bicycle lanes, and pedestrian lanes, full access for many. The changes that are covered in the Hardy Street Traffic Resolution are added crosswalks, added reverse angle parking, added bicycle lanes, and an added roundabout.

(Mr. Chock was noted as present.)

Mr. Haigh: What I have done is I have divided Hardy Street into three (3) sections to kind of show you the specific improvements. We are adding a crosswalk at the driveway entrance here close to Kūhiō Highway on Hardy Street, slightly relocating an existing crosswalk, and then we have added new crosswalks at Akahi Street and actually opening an entrance into our parking lot at Akahi Street. A crosswalk at 'Eiwa Street. We have added bicycle lanes for all of Hardy Street, a crosswalk at the driveway to the State building, and a crosswalk at Eula Street, and then we have the roundabout. Moving forward, we have added crosswalks at the roundabout, crosswalk at the entrance to Elsie H. Wilcox Elementary School, a crosswalk at the other side of Elsie H. Wilcox Elementary School, and a crosswalk at Ka'ana Street. Then, a new crosswalk at Malae Street, and a crosswalk at the Kaua'i War Memorial Convention Hall driveway (both driveways). So, those are the items that are covered within the Traffic Resolution submitted today. I am ready to move onto 'Eiwa Street. If you want to ask questions about Hardy Street I can wait or I can do it when I am done, whichever is your preference.

Chair Furfaro: (Inaudible). Okay, you got it?

Mr. Haigh: Okay, thank you, Chair.

Chair Furfaro: Finish your presentation and then we will ask section by section, and we will vote on the separately.

Mr. Haigh: Understood.

Chair Furfaro: Go ahead.

Mr. Haigh: So, the reasons for the 'Eiwa Street Traffic Resolution. Again, safety improvements, relocation of the bus stop. We are

relocating the bus stop from Hardy Street to 'Eiwa Street to reduce traffic to the Hardy Street/Umi Street intersection and to provide a more central location. We are including Americans with Disabilities Act (ADA) improvements and we are implementing complete street modifications. So, the key changes within the 'Eiwa Street Traffic resolution: added crosswalk, relocated bus stop, added shared-use paths, traffic flow converted to one-way, right turn only from 'Eiwa Street to Rice Street, and no turns allowed from Rice Street to 'Eiwa Street. Basically, we are having shared-use paths on both sides. We are having one-way traffic going from Hardy Street toward Rice Street. We have a new crosswalk, which is providing access to the Historical County Building, a more direct access to the Historical County Building. Now, this crosswalk up here is actually being added, but that is part of the Hardy Street Traffic Resolution and that is providing the pedestrian access up there. Then we have the bus pull-out and no parking in the bus pull-out area. Further continuation, this is that bus pull-out area that you were seeing on the previous slide. This is an existing crosswalk. It is being modified, but it is pretty much in the same location and then at the Rice Street/'Eiwa Street intersection, it will be right turn only from 'Eiwa Street onto Rice Street and since it is one-way, we certainly will not allow any turns from Rice Street onto 'Eiwa Street. That is my brief presentation.

Chair Furfaro: Okay. So, let us focus our questions on Hardy Street first. I think Mr. Rapozo had questions.

Mr. Rapozo: Thank you, Mr. Chair. On Hardy Street, the parking on the Kapa'a side of Hardy Street, that is going to be removed?

Mr. Haigh: The parking between...

Mr. Rapozo: The barber shop...

Mr. Haigh: ...Kūhiō Highway and Umi Street, yes, it is being removed.

Mr. Rapozo: And did...I am sorry. Yes, it is hard to tell by this.

Mr. Tabata: From the map on the screen.

Mr. Rapozo: I can see. I just cannot see. There was just...

Mr. Haigh: There was not a sufficient right-of-way to allow the on-street parking, provide bicycle lanes, and sidewalks on the Līhu'e Civic Center side and our feeling was it was more efficient that we have parking at the Līhu'e Civic Center site rather than trying to modify the right-of-way to provide more parallel parking along Hardy Street. It was more efficient to allow the use of the Līhu'e Civic Center parking to satisfy it, though that area, and also the individual businesses have their own parking lots in the area also.

Mr. Rapozo: Okay. So, how many stalls did we lose or will lose?

Mr. Haigh: I do not have that memorized.

Mr. Rapozo: This is the entire...from Kūhiō Highway all the way to I guess, Elua Street. I think this whole stretch, the lots are gone.

Mr. Haigh: Correct.

Mr. Rapozo: The stalls. I am not sure if during the Community Meetings if...was that portrayed to them?

Mr. Haigh: Absolutely, it was, and actually, there were no questions or concerns brought up about that parking.

Mr. Rapozo: Okay.

Mr. Haigh: And we did express that we do have the Līhu'e Civic Center parking lot.

Mr. Rapozo: Yes, but I mean, it is not that many, but I do not know what the capacity of the Civic Center parking lot is as we expand the offices here. It is already a problem parking at the Civic Center.

Mr. Haigh: And there is a parking study coming up on the Civic Center. That was kind of briefly discussed the last time we were here at Council.

Mr. Rapozo: Okay.

Chair Furfaro: I am going to go to Mr. Kagawa and then to you, JoAnn. Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Chair. Thank you for your presentation, for your work on these improvements. You folks have had Community Meetings, right?

Mr. Haigh: That is correct. We have had two (2) recent Community Meetings. One was the evening of the last time we were here several weeks ago.

Mr. Kagawa: What was the attendance like with residents?

Mr. Haigh: My memory is about maybe thirty (30) people.

Mr. Kagawa: How much of those were business? Not sure?

Mr. Haigh: I think it was primarily residents.

Mr. Kagawa: Just residents?

Mr. Haigh: Yes, I did not take a count between business and residents.

Mr. Kagawa: I have a similar concern with Councilmember Rapozo regarding, I think, they knew that improvements were

being done, but they perhaps were like us. They were not I guess, known with the details of the plans to take away parking, those parallel parking stalls where they cut hair. It can take a half an hour and be able to leave, but are we encouraging them to park at the Civic Center then?

Mr. Haigh: Well, almost all of the businesses already have private parking lots on the Kapa'a side.

Mr. Kagawa: I understand that, Doug, but when they...

Mr. Haigh: And we also have our Civic Center parking lot.

Mr. Kagawa: But Doug, a lot of these buildings, when they built those buildings the on-street parking was there and they did not build it thinking that those parking stalls would be taken away. I am just saying that. The dynamics change as we accommodate bikes and pedestrians and forgo parking stalls. There is people that are going to be impacted and for businesses, when customers lose parking stalls, that is a concern. We have to I guess hear them. So, we have not really gotten any concerns brought up by the business owners alongside?

Mr. Haigh: No, we have not. We have been providing notice to the businesses of the public meetings.

Mr. Kagawa: And if they are short of parking, what we are saying is that if your customers do not have stalls to go to your businesses, that perhaps the Civic Center parking lot, if there is available stalls, maybe use for your...

Mr. Tabata: They are being able to use now. There is no change. That was always available to them.

Mr. Kagawa: Alright.

Mr. Haigh: And we are only talking about eight (8) parking stalls along this stretch that we have not been able to accommodate within the road right-of-way. So, we have lost eight (8). Oh, eleven (11).

Mr. Kagawa: Yes, I know that we can say, "Only eight (8)," but those eight (8) are always pretty much, during the business day, they are always used. So, it is eight (8) important stalls and we cannot just say that is just eight (8). So, now that goes to my next question. Remember when I talked about the Civic Center parking lot plan? We even considered closing 'Eiwa Street because we foresaw I guess, a shortage of parking stalls. I asked you folks at the last meeting. I love the greenery, I love the trees, and I love the planters. It makes it look a lot nicer, but if our goal is that there is going to be a shortage of parking, then perhaps eliminating those planters and what have you, may be what is best to solve our problem.

Mr. Tabata: So, Councilmember Kagawa.

Mr. Kagawa: Yes.

Mr. Tabata: As Doug mentioned earlier, we have a parking study being funded by Smart Growth America. It is scheduled for May. We will get you on the invite list to attend this and make sure you attend so that you can be part of our process. These comments can be taken into consideration as well as looking at the...it is not only for this area, but the entire Līhu'e Civic Center and the Town Core. So, we will be extending from Rice Street all the way down to the end of where Hardy Street reconnects with Rice Street.

Mr. Kagawa: Well, I guess in my response is that I accept your invitation, but I just want to make sure that we do not have all of these changes happening to the Līhu'e area and we just place an item on the agenda one (1) meeting and the community...we may approve this Resolution and the community may come up after that and say, "What are you folks doing?"

Mr. Tabata: No, I disagree. We have been putting out ample notices as Doug had mentioned, we have had two (2) Community Meetings, and this project is over eight (8) years old.

Mr. Kagawa: Well, I am just saying that thirty (30) people to me, is not the whole community.

Mr. Tabata: For this last meeting and the meeting previous to that we had more than thirty (30). So, I feel that we have done quite a bit to notify the public and we have sent out multiple notices.

Mr. Kagawa: No, I understand.

Mr. Tabata: I think that we have had...

Mr. Kagawa: I understand you folks are doing your part to...

Mr. Tabata: We have had a lot of comments come back and in the last meeting, the result of the first meeting, we had a chart showing all of the response to comments that were made previously and there was a lot of discussion and positive discussion also.

Mr. Kagawa: Well, yes, no doubt about there is going to be a lot of people for it and I believe at some point there may be a lot of people against it when it comes to fruition, but the fact of the matter is I really feel more comfortable because I think a lot more people watch channel 53 than look at the public notices coming through their mail about when meetings are. I really feel like if we had a public hearing process or if we had gone to Committee and given the community a week to watch the television and to see what the changes are, that we perhaps may be more comfortable with our final vote on the Resolution instead of just putting it on for one (1) week. A lot of people in the Līhu'e area, a lot of the businesses really are not inclined as to know exactly what is being proposed and I am just saying if it is not a rush then let us wait. Let us give people a chance for at one (1) of two (2) weeks to watch the show and know that may have concerns and it may be true that what you are feeling, that there is no concern out there. That would make me feel better.

Mr. Haigh: Just for clarification. We did present this plan two (2) weeks ago to this body and so it was broadcast two (2) weeks ago, I

believe it was when we came to this body and that was Lee, our Transportation Planner, did an update and included all of these improvements in that.

Mr. Kagawa: Well Doug, I just want to point out the big difference. A presentation and a Resolution that actually puts everything into motion is a big difference. So, when they see it is a plan they will say, "Oh, okay, well, it is not happening now," but when a Resolution is passed it actually says that the County is going in this direction. All I am saying is perhaps going to Committee and giving the public at least another week to finally have this place in action is maybe a better deal. So, we will see that the Council body thinks. Thank you, Chair.

Chair Furfaro: Let me ask you and Lyle a question. First of all, I think that meeting was a week ago, not two (2) weeks ago in Committee.

Mr. Haigh: I thought we presented to full Council.

Chair Furfaro: Was it two (2) weeks ago?

Mr. Haigh: Yes.

Chair Furfaro: It was not in Committee? Okay. Then the comments and discussions that you had with the public, do you have some of those available to us.

Mr. Haigh: We can absolutely make them available.

Chair Furfaro: I would like to see those in the future just simply from the standpoint of knowing that the community feedback is in their particular area. Some of us *kama'aina* to the West Side, some of us *kama'aina* to the North Shore and we do not know the particulars until we hear the commentary that comes from a public hearing. So, could you prepare that for us?

Mr. Haigh: Absolutely. The consultant design build contractor is preparing those. I believe they should be ready by now. They were not ready last week, but they should be ready by now.

Chair Furfaro: Would you agree that it might be fair and reasonable to be able to have those kinds of things on a major transportation issue available to the Council before you are asking us to vote on a Resolution?

Mr. Haigh: Um...I do not disagree with you, but this is an item that...

Chair Furfaro: Let me clarify the question again. Do you not think it would be fair and reasonable to give us some notes from what was happening in the questions?

Mr. Haigh: Absolutely.

Chair Furfaro: I was not asking...quite frankly, I do not need your approval how I vote. I want to know if you think having the feedback was fair and reasonable. I was kind of thinking if it was a week ago. That might have not been enough time to prepare them, but it was two (2) weeks ago. I

certainly would like to see what kind of questions come up. Let me ask you, on the roundabout planned for out here on Hardy Street, is that for two (2) cars or is it a single car roundabout?

Mr. Haigh: It would be a single lane roundabout.

Chair Furfaro: Single lane roundabout, okay, because there are some roundabouts that are two (2) car and that actually takes some public education on how to navigate those. Okay, Joann, you have the floor.

Ms. Yukimura: Yes, thank you. I will start off with the subject at hand, which was removing of parking. That is the parking that is along...in front of our Civic Center parking, both sides?

Mr. Haigh: Well, there is no formal parking on this side at this point, and then there are formal parking stalls on this side.

Ms. Yukimura: Oh I see, but the informal parking will be removed too because...

Mr. Haigh: That is correct.

Ms. Yukimura: So, is it also including in front of the State building?

Mr. Haigh: Yes.

Ms. Yukimura: So, it is more than eight (8).

Mr. Haigh: Yes. In front of the State building, again, that is an informal parking. Well, in fact, the original plan for this which started fifteen (15) years ago, included even before we were looking at complete streets, was going to puts those parking all in front of the State building because that as consider unsafe, that parking there.

Ms. Yukimura: I am surprised that it is informal parking because it is actually diagonal parking.

Mr. Haigh: It has never been striped and never been accepted by the County of Kaua'i as approved parking because it was considered unsafe to have that type of diagonal along Hardy Street, which is a collector road, because you have the unsafe exist from a diagonal parking the way it currently is because basically you are backing into a travel lane with no visibility.

Ms. Yukimura: No, I agree that is it not safe or easy especially because that street gets so congested.

Mr. Haigh: Then what we have done, of course, is we have been able to incorporate some of that parking here in the reverse angle parking, which is a much safer way of handling diagonal parking.

Ms. Yukimura: Okay, but I would say you would be eliminating about thirty (30) spaces, informal and formal.

Mr. Haigh: I have not done a count.

Ms. Yukimura: Well, I mean, I think it is kind of important to know because it will impact the people who use those parking spaces and I agree with the plan, but it is this thing about giving notice. So, all of those cars that park in front of the State building, where are they expected to park now? I do not know if you call it in front, but on Hardy Street.

Mr. Haigh: Well, we are hoping that the State is going to move forward with the old police station site with their plan there because the State has been not all that responsible in taking charge of their parking.

Chair Furfaro: Thank you on that comment. If I can, is the State involved with the cost of this because immediately when we striped 'Eiwa Street the beneficiaries were the State. When I come in the morning, all of those parking is State employees. Are they participating in any way, shape, or form of the planning of this parking?

Mr. Haigh: We are including...

Chair Furfaro: Excuse me, JoAnn.

Mr. Haigh: ...the State in discussions of the Hardy Street improvements. In fact, we are acquiring this parcel here with approval of this Council, by Executive Order, this diagonal parking here to include in our road right-of-way. So, the State, Department of Land and Natural Resources (DLNR) and Department of Accounting and General Services (DAGS) and very well-aware of the improvements. Now, as far as their proactive planning to take care of their parking needs, I cannot answer that.

Chair Furfaro: But did I just hear you say, "We are excluding the State from being involved in this?"

Mr. Haigh: No. We have included the State in the planning process and we actually had their approval to get an Executive Order to acquire and establish these reverse diagonal parking stalls. So, they are very well-aware that we are eliminating these informal parking stalls along this section of Hardy Street.

Chair Furfaro: So, we are inclusive for them for the planning, but we are exclusive for them to contribute?

Mr. Haigh: Well, when we talk about the State, this is a Federal Highway funded project, the Federal Highway funds are administered by the Hawai'i Department of Transportation, and Hawai'i Department of Transportation has been very supportive of this project. So, we are...I would say that the State certainly, the Hawai'i Department of Transportation, has been very supportive and they are the ones who are helping us obtain the Federal Highway funds.

Chair Furfaro: Is there any portion of this that is County money?

Mr. Haigh: Yes, twenty percent (20%) of this project is County funds.

Chair Furfaro: Very good. Is there any portion of this that is Federal money?

Mr. Haigh: Eighty percent (80%) of the project is Federal money.

Chair Furfaro: So, at Waianae Elementary, I learned that is one hundred percent (100%). Is there any money that is coming from the State?

Mr. Haigh: The State is not contributing any cash funds to this project.

Chair Furfaro: Thank you, you answered my questions. JoAnn. We need to take a caption break? Okay. Sorry. We are going to take a ten (10) minutes caption break.

There being no objections, the Council recessed at 11:10 a.m.

The meeting was called back to order at 11:24 a.m., and proceeded as follows:

(Ms. Yukimura was noted as not present.)

Chair Furfaro: A couple of quick summary questions before I give the floor back to JoAnn here. What is the status of parking in this area right now as it relates to who pays and who has free parking?

Mr. Haigh: The County of Kaua'i does not have any paid parking. The State...

Chair Furfaro: That I can figure out by looking at our revenue sheet. That is my point.

Mr. Haigh: Okay. The State of Hawai'i, I believe, provides parking to employees requiring them to pay.

Chair Furfaro: Thank you.

Mr. Haigh: And the parking lot underneath the State Office building. I believe that is there, and then I believe they have coin meters on their half of the parking lot on the north side of this building.

Chair Furfaro: I just want to use that to point out the fact we have kind of this double standard here about parking stalls. With stalls that are intended for the State staff, that they have these options where they go to the basement or to the meters where they pay, but each time we add parking over here people look at that and they say, "Oh, but in the County facilities, the parking is free." So, we have those inequities there. They exist. They have to be thought through. Then I know Mr. Rosa had a plan and I think I have seen it once, that it is available to you folks and it talks about left hand turns in this area. Was that shared with the consultants?

Mr. Haigh:

I am not familiar Mr. Rosa's proposal.

Chair Furfaro: Okay. None of you were there in this time frame that I am referring to? Okay. I would like, because his addressed two (2) very particular concerns with the community and that was pedestrian safety and the left hand turns. Those were the two (2) big issues and I would ask you if you could look for that document that was submitted for, and it might have ended up with the consultant, if you could. Then third, with the moneys that we do not get any money from the State on the cost of the stalls, but we do get cooperation. I do not know what kind of dollar value to put on cooperation, but with this parking grant and study that is coming up, does any part of that consider double-decker parking for Līhu'e as the central parking area and does that plan have any chances of getting Federal funding, State participation, and County participation, and of course, it needs to be recognized that something like that in Līhu'e needs to be really handled and landscaped well with the State flower, the State fern, the lawai'i fern.

(Ms. Yukimura was noted as present.)

Chair Furfaro:

Is any of that in the study?

Mr. Haigh:

Okay.

Chair Furfaro: Because we do have this...we have a double standard here, some pay, some do not. We add, people move. They end up with empty stalls. How are we looking at this all together?

Mr. Haigh: Well, first to talk a little bit about the parking and the State parking everywhere and restrictions, we do have an Ordinance in effect that is not being enforced, which does restrict parking within the Līhu'e Civic Center. It has restricted parking for County employees. We did have implemented a permitting system for at least several months in the very early part of my career with the County of Kaua'i over twenty (20) years ago where we had to have a sticker. Well, we actually had a plaque or something we would put in our window and there are some signs that are still up restricting parking only to County employees. So, we had a system that was implemented for a short time.

Chair Furfaro:

Whose *kuleana* is that?

Mr. Haigh:

Excuse me?

Chair Furfaro: And whose *kuleana* is it to enforce that? If County employees are supposed to park with stickers, whose Department would take care of that?

Mr. Haigh: administered.

I do not remember exactly how it was

Chair Furfaro:

Can you find out for me?

Mr. Haigh: Yes, it is within the Ordinance. So, that for a short time. Now, Līhu'e Civic Center Site Master Plan includes parking structures.

Chair Furfaro: That is what I thought.

Mr. Haigh: Yes, and there is a parking structure over by where Planning is now, by the Kapule Building. That was one (1) designated parking structure area and then another one was...actually it was not. It was below grade parking between the Pi'ikoi Building and the Historical County Building with a garden on top similar to City and County of Honolulu.

Chair Furfaro: You choose garden, I choose hibiscus and lawai'i fern.

Mr. Haigh: Okay.

Chair Furfaro: So, there is something planner there, right?

Mr. Haigh: Yes. Okay, then, with the relocation of the bus and the establishment of a transportation hub there, we were looking at that and part of one of the reasons why that was of interest because it would be possible to link a parking structure as part of that transportation hub.

Chair Furfaro: Sure.

Mr. Haigh: And therefore, you might possibly be able to get Federal Transportation Administration (FTA) funds to help with the parking structure.

Chair Furfaro: Sure.

Mr. Haigh: Now how likely, how easy they are, and how available they are going to be, but that was part of the thinking that we had. This was a group, Planning, Public Works, and Transportation meeting and discussion the bus stop, where to locate the transportation hub. So, in that meeting that was one of the items that helped spark the entrance. Yes, it makes a lot of sense because we know it would be very difficult for the County to take the burden of financing a parking structure for the Civic Center.

Chair Furfaro: That was not my question, Doug.

Mr. Haigh: Right.

Chair Furfaro: My question was not for us to take the burden, to have a plan that we can go to the Feds and the State and say, "Look, we have some shared value here." I say that plan fourteen (14) years ago when I was on the Council. Now, fourteen (14) years ago, my life was different. I ate Frosted Flakes, now I do not. I eat corn flakes and so forth. Life changes, but what happened to the plan?

Mr. Haigh: Like I said, by bringing the transportation hub in, it made it potential Federal funds because otherwise we did not know of any other Federal program that would help fund the parking structure. Clearly, Federal Highway Administration funds would not fund a parking structure. So, I was trying to explain that by bring the bus stop in and creating the transportation hub, brings in the possibility of Federal funds.

Chair Furfaro: Very good. That, you did not get to, you did not highlight that, and that is a big part of this because the Federal money for us to go after is in having a transportation plan and if we have a transportation plan that focuses on Līhu'e having a hub in the middle of the business district, in the middle of the government district with State activities here, County activities here, historic activities here, it seems to me that we would be able to get some money for this parking structure. Who is pursuing that?

Mr. Haigh: Right now, we are pursuing trying to create this bus stop, would be the beginning of the hub. That is what we are pursuing with this Council partly today. As far as future grants, first we are looking at doing this parking audit so we really have a better understanding of what our needs actually are because it has been at least, like you said, we used to have Frosted Flakes. It has been ten (10) years since we have done a detailed analysis of the parking in this area when we did the Līhu'e Civic Center Site Master Plan. So, now we are looking to get an updated parking audit done and then I think that would be a very good starting point from there to start. Once we do that audit, better define needs, and how are we going to meet these needs?

Chair Furfaro: Very good, and here it takes me the Chair, to probe and ask those kind of historical questions to get us to the point that you should have told us from the beginning, the whole vision, the parking structure, the hub, the government, the central business district, and so forth. I did not see in any of the presentation.

Mr. Haigh: I tried to touch on it when we were here several weeks ago when I mentioned that relocating the bus stop was providing us access to more Federal funds, but not as adequately.

Chair Furfaro: Access to more Federal funds could mean many types of Federal funds. Specifically transportation funds that are tied to having transportation hubs. Thank you. JoAnn.

Ms. Yukimura: So, were you referring to a plan by the State to put parking on the old Police Department site?

Mr. Haigh: I did mention that the State does have...I have talked with people in the State government who mentioned that was their plan for the Police site.

Ms. Yukimura: Just a single level parking like a parking lot?

Mr. Haigh: I think that was a temporary condition they were looking at. I am not sure.

Ms. Yukimura: But if it is temporary, are they thinking of a parking structure there?

Mr. Haigh: I do not believe they had specific plans for that at this time.

Ms. Yukimura: Well, I mean, if they are planning it, that has to be part of the parking plan for Līhu'e. I do not personally believe that is the best use of that piece of property and I would be very interested in seeing what the

results of our parking survey are because that will give us like you said, Doug, a much better handle in terms of what our needs are and what some of the opportunities may be. So, it is kind of a moving landscape right now. Coming back though to...can we put that back up on? Hardy Street, I think certainly a piece of this proposal that you have before us and the Resolution that is before us, we have to be aware of what the impacts will be and it is...I do not know what the net parking is. That is something I think would be of interest to us. If you are saying you are creating some parking in that little corner close to the roundabout, but are eliminating parking on both sides of Hardy Street between the existing entrance to the Civic Center parking and to the roundabout, right? That is basically what we are doing?

Mr. Haigh: That is correct, expect we are providing some reverse diagonal parking before the roundabout.

Ms. Yukimura: But what is the net parking? Of the ones you are eliminating and the ones you are providing, what is the net parking spaces available of negative?

Mr. Haigh: Let us see. If you count all of the informal ones in front of the State building, that certainly is negative.

Ms. Yukimura: Right. Yes, and so...

Mr. Haigh: But what you have to realize is we are following up on Resolutions and laws from the State that it is important to implement to complete streets. We are talking about a collector road. Hardy Street is a collector road. There is not adequate right-of-way to provide on-street parking safely.

Ms. Yukimura: I am not asking you to do that. I am not complaining at all.

Mr. Haigh: Okay.

Ms. Yukimura: I am just wanting to know what is going to happen and therefore help us anticipate the impacts, that is two (2) things. One is Councilmember Kagawa's interest in making sure people know what is happening. So, we would let these people who normally park there know that that is going to be gone and where there are alternative sites for parking. That is what I want to know. Where would they then be able to park? One of them is the Civic Center parking lot and I do not know. The State has underground parking in their State building. I do not know how much parking there is. There are empty stalls. We can look right outside here. There are empty stalls. So, if we can assure people you will have a place to park, that will allay a lot of concerns and we can proceed successfully with your proposal, which is what I want to see happen, but it is the process of getting there that I think we are concerned about and for that, we need to know data and we need to let people know.

Mr. Tabata: So, we have passed the contractor who is in charge of the project, is a design build project, and has sent flyers out to the neighborhoods prior to each meeting...

Ms. Yukimura: Right.

Mr. Tabata: ...to attend our meeting and they have sent additional flyers out, I believe, informing when construction, but I am not sure if they have sent out to everyone the design.

Ms. Yukimura: Right.

Mr. Tabata: But we invited them to the Community Meetings to look at the design.

Ms. Yukimura: So, that is the point, I think, that you are at the level where I think we have to have more specific communication. It is no longer come to the meeting. It is parking will be eliminated on Hardy Street, but do not fear, there will be parking over here for your needs. Something like that, and if you have any questions, please call somebody so that there is just this transition relationship and outreach that will help people feel better about the change that is coming.

Mr. Tabata: Okay, thank you. We will definitely try and relay that to the contractor.

Ms. Yukimura: Yes, okay. Thank you because I think it will make things go better. So, now, I just want to understand. I do understand I think now the parking issues. In fact, you have already created additional parking on 'Eiwa, but some of that is going to disappear with this plan too because you are creating bus stops.

Mr. Haigh: Correct.

Ms. Yukimura: Right, but there is still a lot of parking in this area, right?

Mr. Tabata: Yes.

Ms. Yukimura: And I do not if you have come to any conclusions about closing off or what happens with this parking area, but the other day, I saw a car go right down this street, cross the street, and go into the parking lot in this kind of zig-zag process. So, people are using this passageway to get into that parking lot. Now, that might change because you are going to have this Akahi Street coming straight into the parking lot as another way. I think that is going to be better. It feels better, but see, that is all the things we are all trying to get our arms around so we will know what the new way is going to be.

Chair Furfaro: Let us give the floor to Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. Actually, I have a process question. My intent is to make a motion to refer this to the Public Works / Parks & Recreation Committee Meeting next week so we can have the discussion. I know one of the things I am looking at is probably better maps that can really show those areas as opposed to this aerial or whatever you call it. It is very hard to...the only way I really found out and I understand this project is old and I know this was here a week or two (2) ago, but I remember discussing a lot about the 'Eiwa Street improvements. I do not believe we discussed the Hardy Street. It was only when I went to cut my hair. Really, I mean, that is where it was shown. The barbers, the

owners, has some concerns that they are going to lose the parking. That is my intent and if...

Chair Furfaro: It might be a good idea to do both of them, refer both to Committee.

Mr. Rapozo: That would be my suggestion and we can have any questions go over to Public Works and Buildings. Again, really, I think you already asked for the comments because I am really interested in knowing what the Līhu'e residents not outside of Līhu'e. It does not really matter, but the Līhu'e residents that are going to be impacted as well as the maps, and then the only other question I had which can be answered next week, was would it make sense to get the parking study done first? I think JoAnn brought up a lot of good comments about the available stalls. The old Police station, the information I got which I would not say it is new information, but the last I heard is that they were going to bring all of DLNR over there. So, I am not sure what the State plans to do, but that may be an opportunity for us to get that under Executive Order and create a parking structure there. I am not sure. So, if there is no opposition or objection, rather than have the ongoing dialogue here in the Council, I would definitely make the motion to refer.

Ms. Yukimura: Can I ask a process question?

Chair Furfaro: You can ask a process question.

Ms. Yukimura: I just want to know what your timetable is and whether a two (2) week delay...

Mr. Tabata: Exactly. That is a very good question. We are somewhat pressed to be able to accommodate the contractor to accommodate the elementary school and the traffic that would result negatively if we do not give them the window during when school is out, which will be in a few weeks. I think six (6) more weeks.

Chair Furfaro: So, two (2) weeks will not matter.

Mr. Tabata: We want to give them time to complete their plans to implement in six (6) weeks.

Ms. Yukimura: So, if we refer back to Committee next week and...

Chair Furfaro: It will be two (2) weeks before it is back at the Council.

Ms. Yukimura: ...and then move it back on the Council on the following week, that is a two (2) week delay. It should be prior to school getting out by about a month, I think. So, could that work because your main goal is to have the contractor be able to start as soon as school ends and summer begins?

Mr. Haigh: Well, we are moving forward on existing design build construction contract and we are just now giving them back the fifty percent (50%) design comments. So, they are going to be moving forward with final design. They have asked for special permission to start in the school area based on

fifty percent (50%) design because of trying to secure this week. So, two (2) weeks will not directly impact the start in the school area, but we will be moving forward somewhat at-risk because we are going to be having them move forward with final design that is critical for the project and meeting the timelines for the project. So, that is a risk we are taking. Right now, Federal Highway and Hawai'i Department of Transportation (HDOT) are even more critical on our timely completing of projects.

Chair Furfaro: Well, then you are too late coming to us. Excuse me, you are too late coming to us. If you cannot sit there and tell me that you can give us information that does not put us in this position, then I am sorry. You need our position. You need our authority. Now here is the question and I am not going to have any more dialogue on this anymore, we either are going to refer this to May 7th Committee with a follow-up on May 14th Council and I expect in the Committee as you are talking out risk, you would be able to tell us on the 7th what the risks are. What are those risks because I am not prepared to vote on this Resolution? I am not prepared to vote on these things. So, let us go over there and figure it out here. If the contractor is over here and the tail is wagging the dog, then I can go to have a cat. I am having a cat fit right now. JoAnn.

Ms. Yukimura: I think it is in the cards to refer and I am thinking that you folks are able to probably handle that. There will be some risk, but maybe there is different parts they can start on that are not at risk. I want to ask if we can convey to the contractor a possible outreach process where they actually make flyers and put them on all of the cars over here that says we have a plan that is going to do this, but there will be other parking elsewhere. So, we get the fill input and then we move ahead with eyes wide open. That is just my request before we start to refer this.

Chair Furfaro: This meeting, JoAnn, stated with me asking them the question, what is fair and reasonable to the Council? I am telling you now this is not fair and reasonable to us and then to lay out on the table oh, we have to take out certain risk, what are the risks so that I can measure the risks? May 7th, May 14th, that is what we can work with. To answer JoAnn's question, can we have an idea of what those risks are when we get into Committee on the 7th? I am looking for an acknowledgment, not by shaking your head.

Mr. Haigh: Yes.

Chair Furfaro: Yes or no? Thank you.

Mr. Haigh: Your request is very reasonable and we will respond appropriately.

Chair Furfaro: Thank you. JoAnn, you have the floor. Okay, so now, rather than carry this thing on, if there is going to be a motion to refer these two (2) items to Committee on May 7th, I would like to see that motion made. May I also at the same time ask because of time, if I could make sure there is people in the audience that would hold their testimony until this comes back on May 7th, if that could be executed, I would appreciate it very much. I see Joe okay with that. Very good. I am looking for a motion.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Watanabe: Okay, we are on these two (2) Resolutions.

Chair Furfaro: Yes.

Mr. Watanabe: Resolution No. 2014-26 and Resolution No. 2014-28.

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Mr. Rapozo

Mr. Kagawa withdrew his motion to approve Resolution No. 2014-26. Ms. Yukimura withdrew her second.

Mr. Rapozo moved to refer Resolution No. 2014-26 to the May 7, 2014 Public Works / Parks and Recreation Committee Meeting, seconded by Mr. Kagawa.

Chair Furfaro: May I ask if there is an opportunity by May 7th Committee, that we have a glimpse of what the public comment was at that time. It would be much appreciated. Further discussion, members? Mr. Kagawa, then followed by Mr. Chock.

Mr. Kagawa: First of all, I would like to thank the members of Public Works and Planning who have worked on this complete streets project. I am in support of doing this plan if it is best for the community. It appears it is and I just would like to say that this is not to tell you that you folks have not been doing a good job. This is a huge change from our streets. It has never been changed for the past sixty (60) years, seventy (70) years and to expect that before this body you just get a simple approval on these two (2) Resolutions that will change our streets forever in our biggest hub of Kaua'i, I think, was unrealistic. I think we can have our questions answered. You have heard Councilmembers. I think one of the things I am asking for is a better map that shows the current parking situations along Hardy Street and the proposed. I think that would be better for me to make my decision. When we approve the closure of 'Eiwa Street there was confidence that well, the public is going to adjust and nobody is going to be really impacted by the closure of 'Eiwa Street and look at today. We are allowing one-way or right turns. We have changed and we change by watching how the community reacts to our changes and we have to stay open minded. Thank you, Chair.

Chair Furfaro: Mr. Chock.

Mr. Chock: Thank you. Everything that he said for sure is what I was going to say. The only thing I would add is this does not mean that you cannot continue, that the timeline can still be met. Please move forward, but I think what we are looking for is to seek more clarity and have a little bit more to the process so that the community can be involved in it. Thank you.

Chair Furfaro: JoAnn.

Ms. Yukimura: I want to thank you, Lyle, Doug, Mike, and Larry for all of the work on this. It is hard to be complete street warriors because it means change and I think you have really tried to do this in a very methodical way that include the public, but I guess, there is some more input about how we can do

that. It was your idea that we make 'Eiwa Street closure temporary so that we could see how human behavior works with this temporary change and I think it has given us a lot of valuable information. So, I hope you do not get discouraged and I think that the extra time will be useful. So, will be voting in favor for referral.

Chair Furfaro: So, gentlemen, I hope what I said to you I am not that target of being your disappointment or your discouragement. Let me tell you what, you folks have taken on a very big task here and I am just saying I need clear understanding of complete streets, what other political subdivisions can participate in that, what is the financial impact in a very tight financial situation for us, how we can move it quicker obviously with these design build contracts that meet the feasibility that the community is expecting, and then execute it. That is a lot of work. You should be praised for that, but please understand where I am coming from and I hope I am not your hurdle or you discouragement, but you know what? When it comes to this kind of things, I want to make sure we have all the moving parts in place. So, on that, there will be no one that is willing to testify now. They will hold that until May 7th. Mr. Rapozo made a motion to defer...no, refer until May 7th to Committee with the understanding that we put it back on the full Council May 14th. Further discussion?

The motion to refer Resolution No. 2014-26 to the May 7, 2014 Public Works / Parks and Recreation Committee Meeting was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

There being no objections, Resolution No. 2014-28 was taken out of order.

Resolution No. 2014-28 – RESOLUTION ESTABLISHING CROSSWALKS, REVERSE ANGLE PARKING, BICYCLE LANES, AND INTERSECTION MODIFICATIONS ON HARDY STREET, LIHUE DISTRICT, COUNTY OF KAUAI: Mr. Rapozo moved to refer Resolution No. 2014-27 to the May 7, 2014 Public Works / Parks and Recreation Committee Meeting, seconded by Mr. Kagawa, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: Done. We will see you then with a couple reports. Doug, with a couple reports.

There being no objections, the rules were suspended.

Mr. Haigh: Yes, sir. I just want to mention that the report on the latest Community Meeting will be on the website for the project, and I assume it will be posted this week. So, that should be readily available not only will we be giving it to Councilmembers, but anybody in the public who is interested in the project, we do have a project website. I think it is HardyStreetImprovements. I forget exactly. We gave it...well. Yes, if you Google it, you will find it or you can call my office and I will provide that information.

Chair Furfaro: Well, consider this a phone call and I am asking you to provide it because on the website you just said should be, could be. I want it to be.

Mr. Haigh: I have a meeting today and I will confirm exactly when it will be.

Chair Furfaro: And I am really a pretty nice guy, Doug.

Mr. Haigh: I know.

Chair Furfaro: Come on, let us take this thing from start to finish complete.

Mr. Haigh: Thank you.

Chair Furfaro: Thank you very much.

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Yes.

Mr. Rapozo: I just want to make sure that we get the comments from all the meetings, not just the most recent one.

Chair Furfaro: Did you hear that? All the public meetings. Thank you. Joe, can you make a statement? We closed the motion right? We did, right? Joe, I am going to give you one (1) minute. Please come up right now. Please come up right now.

Mr. Watanabe: Mr. Chair, Mr. Rosa spoke in the Public Comment portion of the meeting.

Chair Furfaro: Oh, he did. Okay. I am sorry. Joe, I cannot make that exception. I wish I could. You will get the appropriate time on the 7th. Thank you for your feedback. Thank you for the reminder of the Rule. Okay very good. Gentlemen, thank you. Larry, we will see you this afternoon. Okay, I want to go to the Housing Resolution now.

Resolution No. 2014-16 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2014 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

Chair Furfaro: Okay, I need a motion and a second, and then I need to make a statement because certain portions of this that JoAnn needs to be recused from.

Mr. Kagawa moved to adopt Resolution No. 2014-16, seconded by Mr. Chock.

Chair Furfaro: I have a second. Okay. JoAnn, there are sections of this piece. I think it is section (D).

Ms. Yukimura: Yes. Mr. Chair, I will be recusing myself on the Boys & Girls Club project, which is (D) under Public Services. So, my request is that we take that item separately and I would like to vote on all the rest with the group and then I will recuse myself on that one (1) item to be voted on.

(Mr. Kagawa was noted as not present.)

Chair Furfaro: Okay, so you want to hold (D) until the end or you want to do (D) first and you can step out?

Ms. Yukimura: Either way. I think until the end.

Chair Furfaro: Okay, we will excuse you at the end then.

Ms. Yukimura: Yes.

Chair Furfaro: Okay. Hello. Welcome.

There being no objections, the rules were suspended.

KAMUELA COBB-ADAMS, Housing Director: Good afternoon. Kamuela Cobb-Adams for the record. I am actually here to just introduce the staff that are the experts and all-stars. As I explained in our budget presentation, we have an awesome staff and they agreed to come here and answer any questions. I will be in the back to just support if you folks need me to answer anything. With that, I was going to as for Kerri, Sharon, and Gary to come up.

Chair Furfaro: Fine. We have three (3) chairs and let me assure your staff that if you were in the audience when I was talking to the Public Works Division, please note that it is not my usual temperament. So, feel free to talk to us about this project. Go right ahead. Introduce yourselves. Gary, you want to start and take it from there.

GARY MACKLER, Housing Development Coordinator: Good morning Councilmembers. Gary Mackler, Development Coordinator.

SHARON GRAHAM, Community Development Block Grant (CDBG) Specialist: Good morning, Sharon Graham, CDBG Specialist.

KERRILYN BARROS, CDBG Coordinator: Aloha, Kerri Barros, CDBG Coordinator.

Chair Furfaro: We have this Resolution that we are about to endorse. If you would like to tell us a little bit about it, Gary, I will give you the floor.

(Mr. Kagawa was noted as present.)

Mr. Mackler: Well, this by way of background, each year we issue a CDBG application to look for eligible activities to fund with our annual allocation. We are required by United States Department of Housing and Urban Development (HUD) in using the grant to put together an Annual Action Plan that is submitted to HUD each year so that they can review the eligibility of the projects that we are proposing to funds, and also to ensure that we are using our CDBG dollars to meet the highest priority needs that we have established through our five (5) year consolidate plan. So, Kerri and Sharon basically administer the CDBG application process and then they provide all of the other needs for the grant to administer the grant throughout the year. It is a very technical grant and it takes a lot of work and they both do a very fine job every year of these action plans that we come here and ask for your consideration. So, I am going to...as far as the specific

projects that are in this year's Annual Action Plan, I am going to turn it over to Kerri and let her go through those activities with you.

Chair Furfaro: Before you do that, we need to excuse JoAnn when we get to item (D). So, if we could keep from touching on that, and then Gary, if you could tell us again the amount of the total grant.

Mr. Mackler: As noted in the Resolution. It is seven hundred twenty thousand and...

Ms. Barros: Five hundred fifty dollars.

Chair Furfaro: Thank you. Okay, ladies.

Ms. Barros: Thank you. First of all, we would like to thank you for your continued support over all of these years for our CDBG program which is our Community Development Block Grant program. On April 9th, we had a public hearing receiving comments from anyone on the proposed projects for the Action Plan for 2014. We also had a publication of thirty (30) day public comment period in the Garden Island and April 17th was the deadline for any comments and we did not receive any public comments.

Chair Furfaro: Okay.

Ms. Barros: So, we have ten (10) recommended projects for our Action Plan 2014 for your consideration and for our application to HUD. Should I go through each project?

Chair Furfaro: As long as we stay away from Boys & Girls Club.

Ms. Barros: Okay. So, we have four (4) Public Service projects. We have three (3) that involve Case Management type substance abuse prevention. Case Management/Relapse Prevention from Love the Journey for twenty-nine thousand eight hundred ten dollars (\$29,810). Should I explain?

Chair Furfaro: Councilmember Yukimura is going to leave the room so we can talk about the specific grants.

(Ms. Yukimura was noted as recused.)

Ms. Barros: Okay. So, Love the Journey between Women In Need, you will see that there is three (3) of them. There are two (2) projects by Women In Need and one (1) for Love the Journey. They may sound like similar projects, however, they do serve different populations. For instance, Love the Journey maintains a furlough homes men, mostly men, but they do have a couple for women. They provide case management. They have two (2) curriculums that they use for employment readiness and for also substance abuse, and they also have businesses that they use to employ their participants in. Women In Need, for their case management which is (B) on the Resolution, they provide case management. They help mostly women and children, but they do assist with men as well. They take care of making sure that the women will meet all of their judiciary compliance, they also go through life skills workshops, they do parenting classes, and they to case management within their transitional homes. The Substance Abuse Relapse

Prevention Program is open to the public and this is where they have a twelve (12) week, thirty-six (36) class substance abuse workshop. Finally, Boys & Girls Club. This is Ho'omau Hui Learning Project in Lihu'e. They will provide cultural enrichment programs for youth who are residents at the Lihu'e Court Townhomes and this includes programs that besides education, helping them with their homework. They will also be doing gardening activities and one (1) that is different is they have a sports education component and this will assist the participants from Lihu'e Court to help with any sports fees if they are interested in and also membership fees through Boys & Girls Club.

Mr. Hooser: Are we going to take questions as we go through them or wait until the end?

Chair Furfaro: We can take questions as we go through them and then when we vote, I am going to take them in seriatim and we will vote on Boys and Girls Club last. So, if you have questions now go right ahead.

Mr. Hooser: Yes, I have questions actually about the previous ones, the Women In Need and Love the Journey. They are substance abuse basically, supporting and treatment types of programs. I understand various programs have different core philosophies if you would. Some are cultural based, some are faith based, and some may be military based. Do these have any particular core philosophy like that?

Ms. Barros: I would say basically, Women In Need is a self-sufficiency. Their goal is to get women self-sufficient. There is also a housing component. Most of these women would be homeless if it was not for, men and women, would be homeless if it was not for the furlough homes that they maintain. It is in this environment that they are able to get the case management and the workshops that they need to be self-sufficient. I would say that for all three (3).

Mr. Hooser: For the other ones too?

Ms. Barros: Yes.

(Mr. Rapozo was noted as not present.)

Mr. Hooser: So, they do not have a particularly cultural bent or faith based bent? No?

Ms. Barros: No. Need based.

Mr. Hooser: Need based? Okay. Thank you.

Chair Furfaro: Other questions at this time? No?

Ms. Barros: Should we move on to the Housing projects?

Chair Furfaro: Yes.

(Ms. Yukimura was noted as present.)

Ms. Barros: Two of the Housing projects proposed for funding is administered or run by the Kaua'i County Housing Agency. One is the

Home Buyer Loan Program and the other is the Home Purchase Program. The Home Buyer Loan Program allows us to assist low to moderate income individuals in providing a low-cost mortgage loan, either a Primary or a Gap loan. The Home Purchase Program allows the Housing Agency to purchase a home on the market and we resale these homes to low and moderate income first time homebuyers through our ninety (90) year lease program. The next project we have for recommendation for funding is...

Chair Furfaro: Excuse me. Any questions on the housing assistance? No? Go right ahead.

Ms. Barros: The next project proposed for funding is through the Council for Native Hawaiian Advancement (CNHA). It is the Homeowner Education and Energy Efficiency Workshops (HE3). This is a post-purchase activity and they will assist homebuyers to do financial budgeting and insurance requirements. This is to prevent foreclosure. They will assist participants in how they can better lower their energy costs. So, they provide counseling and workshops to do this.

Chair Furfaro: Question? Go right ahead.

Mr. Chock: Thanks Kerri. I was wondering, in terms of this education workshop, how many homeowners in the Anahola to Kekaha area are we servicing through that particular program?

(Mr. Rapozo was noted as present.)

Ms. Barros: So, this is an area benefit. So, it is open to all people in the...Kapa'a and Kekaha are both low to moderate areas. So, it is open to all of the residents there, both areas.

Mr. Chock: Has CNHA identified how many they intend to serve to the public?

Ms. Barros: They intend to serve forty (40).

Mr. Chock: Forty (40)?

Ms. Barros: Yes.

Mr. Chock: Okay. Thank you.

Ms. Barros: Also, CNHA is a HUD approved...

Ms. Graham: Housing counselling agency.

Ms. Barros: As well as Hawaiian Community Assets, which is the next organization for Home Ownership Education and Counseling, and that is for twenty thousand dollars (\$20,000). They provide for the County and other residents on the island, pre-purchase education for home buying education. We have two (2) Public Facility projects. One for the Kaua'i Fire Department for the Waimea Fire Station Emergency Response Vehicle with Skip Pumping Unit and

the other is for Roof Repair and Photovoltaic System (PV) for the Young Women's Christian Association (YWCA) Admin Building.

Mr. Hooser: Chair, question.

Chair Furfaro: Go right ahead, Mr. Hooser.

Mr. Hooser: Thank you for being here if I did not say that already. The fire truck kind of jumps out at me. We see the other substance abuse, YWCA, and other non-profits in affordable housing and then all of a sudden we have the Fire Department. My two (2) questions basically, and you may not be able to answer the first one, but why would not the Fire purchase be under the regular budget and were there other projects that were not approved that could have been approved for those funds?

Ms. Barros: Under CDBG regulations, there is a specific regulation that allows for Fire protection and it is considered a public facility, and this is where the Fire Department or fire equipment or fire rescue unit falls under.

Mr. Hooser: But if the County chose to fund that through the regular budget process, would that then make available one hundred sixteen thousand dollars (\$116,000) to fund more housing or more drug treatment or those kinds of programs?

Ms. Barros: Yes.

Mr. Mackler: Well, in the area of public services, Councilmember Hooser, there is a statutory cap for each year's allocation where you are not allowed to use more than fifteen percent (15%) of your annual allocation for public services. So, even if moneys were freed up from the Fire Department activity, it does not necessarily mean we could move that money into other public services. It could go possibly into other areas like housing or other public facilities or economic development.

Mr. Hooser: Okay, and were there other credible if you would, or other projects grant requests that were presented that may have qualified, but did not make the cut?

Ms. Barros: We had seventeen (17) applications this year totaling close to two million dollars (\$2,000,000) in requests. The selection process looks at the total overall score of each project and the concept, the readiness, the ability to spend funds, and so the projects that you see before you are the ones that have scored the highest based on the funding availability, the overall funding.

Mr. Hooser: Okay. Thank you. Thank you, Chair.

Chair Furfaro: Thank you. Continue.

Ms. Barros: Roof repair for the YWCA for fifty-six thousand four hundred dollars (\$56,400). The YWCA will be replacing their existing roof of their Admin Building. I am not sure if you are familiar with their property, but they have the Women's Center, which is the old Kaua'i Community Federal Credit Union (KCFCU). Right behind that is what they call their Admin Building, but it is not specifically for their Admin. They do run programs out of

that. So, the proposed project is to repair that and to add photovoltaic to that. If you will notice in our alternate project we have that also listed. So, what the Review Committee in the selection of the projects did, was in order to meet a timeliness, the Review Committee did not feel that they may be able to meet that by doing a roof repair and being ready to install of photovoltaic system. So, the award is recommended to just do the roof repair first. Should YWCA be ready to get the photovoltaic, then we could fund that at a later date, but still within the one (1) year time frame of the CDBG grant.

Chair Furfaro: JoAnn.

Ms. Yukimura: So, that means that the YWCA has a potential of getting a total of fifty-six thousand dollars (\$56,000) plus eighty thousand dollars (\$80,000)?

Ms. Barros: This is the proposed project, fifty-six thousand four hundred dollars (\$56,400) and a potential to get an additional eighty thousand six hundred (\$80,600) for the alternate.

Ms. Yukimura: Okay. Is there a cap on your Housing projects allocation?

Ms. Barros: No, just Public Services.

Ms. Yukimura: Just Public Services?

Ms. Barros: Fifteen percent (15%).

Ms. Yukimura: Okay. Thank you.

Chair Furfaro: You can continue.

Ms. Barros: Okay. I believe that is it.

Chair Furfaro: Okay. Now, my plan, Rick, is to vote in seriatim on the items and we will do the Boys & Girls Club last.

Ms. Yukimura: Mr. Chair?

Chair Furfaro: Yes.

Ms. Yukimura: I think we could save some time by just voting on everything but the Boys & Girls Club.

Mr. Watanabe: We will take the entire Resolution excluding this.

Ms. Yukimura: Excluding, and if you do not mind because...

Chair Furfaro: That is not how it was explained to me earlier, but if we have all changed our minds and we are going to do it that way, then fine, just tell me.

Ms. Yukimura: Okay.

Chair Furfaro: So, we will only extract the Boys & Girls Club and we will vote everything else as a lump sum. How is that? Does that work?

Ms. Yukimura: Yes, Chair.

Chair Furfaro: Any further dialogue?

Mr. Chock: Just one (1).

Chair Furfaro: Go ahead, Vice Chair.

Mr. Chock: Thank you, Chair. I am sure there is some pretty stringent Federal tracking processes involved with HUD as I would imagine for the selection process. I was interested in if you have any internal or County level evaluative processes involved specifically for Public Services and Housing. If you did, and you do not have to answer it now, but if you had anything that you could share. I am interested in looking at it and if you could send that to me, that would great. So, as you track the progress of the programs throughout the grant period is what I am looking for.

Ms. Barros: Oh, okay, like outcomes.

Mr. Mackler: Sure. In fact, each year along with the filing of the Annual Action Plan, we are also required to file an annual report looking back for the prior year of how well the activities performed, whether they met their benchmark goals, and so forth. The team here evaluates the performance of the sub-recipients and scores them in fact, to see how they have done for consideration when future requests for funding comes in from those organizations.

Mr. Chock: Exactly what I am asking you for. Thank you.

Chair Furfaro: Satisfactory?

Mr. Chock: Yes.

Chair Furfaro: Mr. Hooser.

Mr. Hooser: Just another follow-up if I could. Which of these or how many of these are repeat for every year? So, that would follow-up on Councilmember Chock's train of thought, I think, that you have some track record or history of Love the Journey and Women In Need. Did they get CDBG funds last year also?

Ms. Graham: Yes.

Mr. Mackler: Yes.

Mr. Hooser: They did? And so you have experience working with them and evaluating their programs?

Ms. Barros: Yes.

Mr. Hooser: Okay. The Council for Native Hawaiian Advancement?

Ms. Graham: This is their first year.

Mr. Hooser: This is their first year?

Ms. Graham: Yes.

Mr. Hooser: Okay, and Hawaiian Community Assets?

Ms. Graham: They are a repeat agency.

Mr. Hooser: Pardon me?

Ms. Graham: They are a repeat agency.

Mr. Hooser: Okay, and the YWCA?

Ms. Barros: They were funded last year.

Mr. Hooser: Okay. Thank you.

Chair Furfaro: Along that questions, I will stay with that question. Do we have any caps on these applications? For example, they receive grants for three (3) consecutive years and then they have to wait a year. Do you have any kind of rule like that?

Ms. Barros: There is a requirement for any Public Service application. If they are coming in for a second year, consecutive year, that they must serve more clients.

Chair Furfaro: Got it. Thank you. Mr. Kagawa, your question.

Mr. Kagawa: Thank you, Chair. Yes, going back as well. Regarding the Waimea Fire Station Emergency Response Vehicle with Skip Pumping Unit. What exactly is that? Is that another truck that has a special feature or is it a new truck to replace an existing one?

Ms. Barros: My understanding is that the Skip Pumping Unit is the...okay, I am not going to use the right terminology, just what I know, is what they use for the water where the water comes out of. No? Okay, wait, wait.

Mr. Mackler: It is a smaller vehicle that allows the Fire Department to get to places where they cannot ordinarily reach with larger vehicles.

Mr. Kagawa: Oh, makes sense.

Mr. Mackler: And it is more mobile in that regard.

Mr. Kagawa: So, such as Pākalā maybe where it is narrower?

Mr. Mackler: Or in the hills and the mountains.

Mr. Kagawa: Okay. This is not going to require additional hiring of personnel to operate this vehicle, right?

Mr. Mackler: No, it is not.

Ms. Barros: No.

Mr. Kagawa: Because I certainly appreciate you folks buying this with CDBG moneys. I think it fits a need, but I am just very hesitant to let that Department continue to grow without our control. So, thank you.

Mr. Mackler: It is also not the first time CDBG has funded one of these purchases. There had been one (1) or two (2) in the past I recall.

Chair Furfaro: Then you are up to three (3).

Mr. Mackler: Yes.

Mr. Kagawa: Thank you.

Chair Furfaro: Again, it is for very rural terrain firefighting in the bush, but I think this is the third one. Good question on the staffing related to those vehicles though. Thank you, Mr. Kagawa. Additional questions? If not, thank you so much. We are going to vote on all except item (D).

Ms. Barros: Can I just mention one (1) thing?

Chair Furfaro: Sure.

Ms. Barros: That we are celebrating National Community Development Week this week, which includes both CDBG and Home projects. We have a pictorial exhibit going on right now in our Pi'ikoi Building and it has just a sampling of some of the projects that we have done over the years, but it is a good avenue, I think, for people to see who are interested in possible putting in an application for CDBG funding and for others who just want to see what CDBG does. It has a lot of pictures of people who are the direct benefits of the CDBG program and the Home projects. So, if you can come by that this week. It is going to end on Friday and it is open when our building is open, 7:45 a.m. to 4:30 p.m.

Chair Furfaro: Thank you for that because I did hear the public service announcement on the radio from you folks inviting people to come down and get the word out, but this is a fund that I am very concerned with because when first go on the Council a few years back, we were getting one million one hundred thousand dollars (\$1,100,000) and now we are down to what? Seven...

Ms. Barros: Seven hundred twenty thousand dollars (\$720,000).

Chair Furfaro: Seven hundred twenty thousand dollars (\$720,000). So, we have had thirty-eight percent (38%) reduction in our grant moneys and I think that speaks of what is happening with many grants across the Nation. So, thank you for trying to do more with less, but it is on our radar screen.

Ms. Barros: The organizations that apply also are doing a good job in trying to secure non-CDBG leverage funds, and I know it was mentioned in our budget report that for every dollar that CDBG funds, an additional three dollars (\$3) is brought in for leverage funds.

Chair Furfaro: Well, it is good that people that are receiving this are realizing that is an amount that is shrinking and they need to look at other resources. Thank you for what you do. Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair, and thank you to the Housing Agency for administering these funds. I know we have reduced. I mean, we have been reduced in what we have gotten, but over the years Kaua'i has been very lucky. While many other States and Counties were getting reduced, we were able to maintain a level much longer than other jurisdictions, but I share the Chair's concerns. Because it is such a priority for NACo, we have the discussion earlier today. NACo spends a lot of money pushing the Congress to keep this thing going, but the most recent, I know Kerri you mentioned three dollars (\$3). I just pulled it up because I wanted to see what the current number was, but it is actually probably because of the cost, but now every dollar of CDBG money creates four dollars and seven cents (\$4.07). I do not say that to correct you, just that it is a new figure. It is fluid. Just how important this fund is, this grant that we need to continue, and overall since 2010, the fund has been reduced by Congress by twenty-five percent (25%), one billion dollars (\$1,000,000,000). So, that is the trend. The good news is that this year we are told that it is going to go back to the balance that we had last year. So, we should see an increase in CDBG funds next fiscal year. So, that is something to look forward to.

Ms. Barros: That is good news.

Mr. Rapozo: Yes, but thank you all for managing the program so well. Thank you.

Chair Furfaro: Thank you, Mr. Rapozo. Is there any public testimony there?

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Mr. Clerk, we are going to do all except item (D).

Mr. Watanabe: So, if we can clarify the motion. Somebody can make a motion to consider all items excluding (D).

Mr. Kagawa moved to adopt all items in Resolution No. 2014-16 excluding item (D), seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: Further discussion?

The motion to adopt all items in Resolution No. 2014-16 excluding item (D) was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Watanabe: Six (6) ayes.

Chair Furfaro: 6:0. Thank you. Now we go to item (D).

(Ms. Yukimura was noted as recused from item (D) of Resolution No. 2014-16.)

Mr. Kagawa moved to adopt Resolution No. 2014-16, item (D), seconded by Mr. Rapozo.

Chair Furfaro: Further discussion? If not, roll call vote.

The motion to adopt item (D) of Resolution No. 2014-16 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Rapozo, Furfaro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	Yukimura	TOTAL – 1.

Mr. Watanabe: Five (5) ayes, one (1) recused, and one (1) excused.

Chair Furfaro: Five (5) ayes. We can bring Councilmember Yukimura back out.

(Ms. Yukimura was noted as present.)

Chair Furfaro: Thank you very much for all you do. Okay, we have a few more minutes and there is a few items we can clean up here before we go to lunch. Take us where you want to go.

Mr. Watanabe: Chair, shall we will skip over the Cost Control Resolution?

Chair Furfaro: You got the three (3) items.

Mr. Watanabe: Do you want to take that up now?

Chair Furfaro: Yes, let us do that one.

Resolution No. 2014-27 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE COST CONTROL COMMISSION:

Mr. Kagawa moved to schedule public hearing for May 28, 2014, then referred to the June 10, 2014 Council Meeting, seconded by Mr. Rapozo.

Chair Furfaro: I have a second from Mr. Rapozo.
Discussion? If not, roll call, please.

The motion to schedule public hearing for Resolution No. 2014-27 on May 28, 2014, then referred to the June 10, 2014 Council Meeting was then put, and carried by the following vote:

FOR MOTION:	Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Watanabe: Six (6) ayes.

Chair Furfaro: Thank you. The Hardy Street was referred.
The First Bill Reading. I want to make a note that we are looking at...

Mr. Rapozo: Mr. Chair, you have Resolution No. 2014-29.

Chair Furfaro: Oh, did I miss Resolution No. 2014-29?

Mr. Rapozo: Right, Ricky?

Chair Furfaro: Oh, there it is. This one...

Mr. Rapozo: Same thing.

Chair Furfaro: That is 2:00 p.m. with Lenny, right?

Ms. Yukimura: Mr. Chair?

Chair Furfaro: Setting the Golf Course fees?

Ms. Yukimura: Yes, and we need to make an amendment.
So, I need to make a motion to approve first, to amend, and then we will set a public hearing.

Chair Furfaro: Okay. Hold on, just a second. So, you know what? If we do that now, tell Lenny do not come over.

Resolution No. 2014-29 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO SETTING GOLF COURSE FEES: Mr. Rapozo moved to adopt Resolution No. 2014-29, seconded by Ms. Yukimura.

Ms. Yukimura moved to amend Resolution No. 2014-29 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 2, seconded by Mr. Rapozo.

Ms. Yukimura: It is really a typo. Thank you.

Chair Furfaro: I will give you the floor.

Ms. Yukimura: Yes, Chair. It is very simplistic, I guess. So, it just correct a misspelling.

Chair Furfaro: Okay, so let us get an approval on the amendment as circulated.

Mr. Chock: There is one on the floor.

Chair Furfaro: Oh, there is one on the floor? I am sorry. I was off base.

Ms. Yukimura: So, we could vote now, I think.

The motion to amend Resolution No. 2014-29 to Resolution No. 2014-29, Draft 1, as circulated was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*).

Chair Furfaro: Now we go to the main item.

Ms. Yukimura: Yes, Mr. Chair?

Chair Furfaro: I will give the floor to JoAnn.

Ms. Yukimura moved to schedule public hearing for Resolution No. 2014-29, Draft 1 on May 28, 2014, then referred to the June 10, 2014 Council Meeting, seconded by Mr. Rapozo.

Chair Furfaro: Mr. Kagawa.

Mr. Kagawa: Thank you, Chair. I am happy that we have this amendment. I have been contacted by former Councilmember Bob Yatsuda and a lot of you know that he was a very good Councilmember here. He is quite concerned that perhaps we could be doing better revenue-wise at the Golf Course. He said one the key components of maximizing our revenues is to have a fee structure that is adequate, fits, and attracts those non-resident golfers to play at Wailua. I think one of the suggestions that he made was that we perhaps have people some marketing experience come on and help. He has volunteered as well, to serve on the committee being a local golfer and being one that has talked to other golfers about the need for Wailua to generate more play because it is ranked as the third best course in Hawai'i as noted by one. For a public golf course to be ranked third and to see that there are open slots at the Golf Course makes you think that we should be doing better than we are because I think there can be a fee that attracts the visitors to play at the third best course in the State and being a public Golf Course, again, we should be proud of it, but we should be maximizing. We cannot just rely on local golfers to tell us what the fees should be. We should be actually tapping more people with marketing type experience, I think, and that is some of the comments that Mr. Yatsuda has mentioned. So, I thank you, Chair. You have mentioned a lot of those before, that we need to be doing better at Wailua Golf Course, and certainly if that can become as close to self-sufficient as possible, it would certainly leave our County having more moneys to deal with other things that we have in our budget. Thank you.

Chair Furfaro:

Mr. Hooser.

Mr. Hooser: I want to express some thoughts if I could. I share the concerns about the revenue and agree that we need to increase play by visitors and maximize the income as a result, but I also think we should tread very cautiously. There is a lot of seniors especially who are on fixed incomes and this is the one great joy of their life, is being able to play golf on a regular basis there. So, we need to be very careful about raising the fees for them as well as Junior Golfers. We have quite a strong Junior Golf program and we need to preserve that as realize that it is a public course. So, therefore, we do have an obligation to provide as best we can. If golf fees are going to be changed, raised, or fooled with we have to make sure the process allows full engagement by golfers and the community, and not done arbitrarily by the Administration or anybody else. So, thank you.

Chair Furfaro: I would like to say Mr. Yatsuda has been such a great steward of the golf course for many years. I have dealt with him too, and thank you for pointing that out, Mr. Kagawa. He really knows what a gem we have there and he also is very active with the *kama'āina* play and resident play that is there. This piece that JoAnn is introducing, first of all, it basically gives some of the authority to the golf course on doing the rate changes and we can shift gears on a quicker basis to make up for activities rather than year-to-year, but maybe more seasonal and when we know there is a lot of non-resident play by a steeper number of visitors on the island tied into maybe some of the things that the Coconut Coast is doing. As we did in the budget session, Mr. Costa indicated that he would be working to get some public dialogue out on the Golf Course races to follow-up what you were saying, Mr. Hooser, that part of our challenge is that the golf course has been carrying some of its bond money for its sprinklers, which kind of offsets its profitability margin by almost seven hundred fifty thousand dollars (\$750,000), but those bonds are almost being paid for over the next two (2) years. A cautious approach to raising fees is one incrementally that may be generating another one hundred thousand dollars (\$100,000) in revenue and then really looking at incremental play by higher rated non-resident is a good way to go and I think that is outstanding that Mr. Yatsuda has indicated that he would be willing to serve on any kind of a marketing team to help us resolve that. So, that being said, JoAnn, you have the floor.

Ms. Yukimura: Yes. I agree with Councilmember Hooser, that we need to really recognize that the golf course is a public golf course and so we should not treat it like a private golf course and just get all the money we want and need. On the other hand, I think we are missing out on opportunities that could increase revenues to the golf course that would in the long run help the golf course become sustainable because everybody who has a stake in the golf course, especially the players, want to make sure that we continue to provide this wonderful facility into the future and you cannot do that without really paying careful attention to revenues. At the same time, it may be that it is appropriate to lower fees at certain times. So, this proposed Charter Amendment, which would allow the Council to delegate its fee setting powers, based on certain parameters, and would allow a much faster response to the market whether it is up or down. So, if there is an opportunity to raise fees in particular for the non-resident market, you do not have to wait for three (3), or four (4) or five (5) months to do it, but if the market is dropping and you have to lower fees, you can also do it more quickly. So, it is something we have to proceed with prudence and I think we can address that in the Ordinance which delegates that power, but I think this proposed Charter

Amendment will give us more flexibility to respond to opportunities while still protecting the public nature of our golf course.

Chair Furfaro: Well, I want to thank everybody, JoAnn, for this piece, and some of the work that is being done that really elevated the golf course, and this is the first step. So, on that note, I would like to go ahead and call for a...

Mr. Watanabe: Roll call?

Chair Furfaro: Yes.

The motion to schedule public hearing for Resolution No. 2014-29, Draft 1 on May 28, 2014, then referred to the June 10, 2014 Council Meeting was then put, and carried by the following vote:

FOR MOTION:	Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Watanabe: Six (6) ayes.

Chair Furfaro: Thank you. We will have public hearing when we come back at 1:35 p.m.. We have a certificate at 1:50 p.m., then we have First and Second Bill Readings, and scheduled Executive Session at 3:00 p.m. So, I am going to go ahead and break for lunch at this point, and remind everybody that we have luncheon for Jade's recognition and our Administrative Day in the back. There will be chocolate cake there too. So, if you want a second slice, please enjoy. We are in recess.

There being no objections, the Council recessed at 12:36 p.m.

The meeting was called back to order at 3:00 p.m., and proceeded as follows:

(Council Chair Furfaro was noted as not present.)

Mr. Chock: We are moving towards Executive Session to make a 3:00 p.m. phone conference and we would like to get through representing all items up front and receiving the first item if possible. So, can we call up the County Attorney to announce these Executive Sessions?

There being no objections, the Executive Sessions were taken out of order.

Ms. Fountain-Tanigawa: Vice Chair Chock, did you want to get a motion to receive ES-718 first?

Mr. Chock: Why do we not do that first then?

EXECUTIVE SESSIONS:

ES-718 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the

Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the quarterly report on pending and denied claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item: Mr. Rapozo moved to receive ES-718 for the record in open session, seconded by Mr. Kagawa.

Mr. Chock: Any discussion, members, on this item?
Seeing none, any public testimony on this?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

Mr. Chock: We need a roll call on this?

Ms. Fountain-Tanigawa: No.

The motion to receive ES-718 for the record in open session was then put, and carried by a vote of 6:0:1 (*Mr. Bynum was excused*). (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Council Chair Furfaro was not present, but shall be recorded as an affirmative for the motion.*)

Mr. Chock: Thank you. We will move to the next item.
Mr. Castillo, thank you.

There being no objections, the rules were suspended.

Mr. Castillo: Council Vice Chair and Councilmembers,
good afternoon. Al Castillo, County Attorney. I am wondering, so I am going to read 2, 3, and 4?

Mr. Chock: Correct.

Mr. Castillo: Thank you.

ES-719 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and (8) and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing as it relates to the investigation of personnel matters involving the Office of the County Auditor, and related matters (including Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-1-0340 (Fifth Circuit Court)), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-720 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and (8) and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide Council with a briefing and request for authority to settle the case of Verna Rita v. County of Kaua'i, Civil No. CV12-00605 JMS RLP (U.S. District Court), and related matters. This briefing and consultation involves

consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-721 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and (8) and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide Council with a briefing and to request authority to hire Special Counsel to advise the Council concerning coverage, under the County's insurance policy with Everest National Insurance Company, in connection with the lawsuit Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 JMS-RLP (United States District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Mr. Castillo: Thank you.

The meeting was called back to order, and proceeded as follows:

Mr. Chock: So, I need a motion for us to move into Executive Session.

Ms. Yukimura moved to convene in Executive Session for ES-719, ES-720, and ES-721, seconded by Mr. Rapozo.

The motion to convene in Executive Session for ES-719 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Hooser, Kagawa, Rapozo, Yukimura	TOTAL – 5,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	Furfaro	TOTAL – 1.

The motion to convene in Executive Session for ES-720 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6*,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Council Chair Furfaro was not present, but shall be recorded as an affirmative for the motion.)*

The motion to convene in Executive Session for ES-721 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6*,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	Bynum	TOTAL – 1.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Council Chair Furfaro was not present, but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Five (5) ayes.

Mr. Chock: Five (5) ayes. Thank you. At this time, we will be moving to Executive Session to receive this communication and we will come back shortly. Thank you.

There being no objections, the Council recessed at 3:04 p.m.

The meeting was called back to order at 4:02 p.m., and proceeded as follows:

(Council Chair Furfaro was noted as not present.)

COMMUNICATION:

Mr. Chock: We have gone through the communication, already had our public testimony, so there is a motion on the table. No? We need a motion to approve.

Ms. Yukimura: Do you want to read the item?

Mr. Chock: Go ahead. Can you read the item again?

C 2014-124 Communication (04/17/2014) from the County Attorney, requesting authorization to expend funds up to \$100,000 for Special Counsel's continued services to advise and represent the County Council in matters relating to the investigation of personnel matters involving the County Auditor's Office, and related matters (including Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-1-0340 (Fifth Circuit Court)), and related matters: Ms. Yukimura moved to approve C 2014-124, seconded by Mr. Kagawa.

Mr. Chock: Motion and a second. As I mentioned, we already had a briefing and public testimony on this item. Is there further discussion, members, on this item? Seeing none, roll call, please.

The motion to approve C 2014-124 was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Hooser, Kagawa, Rapozo, Yukimura	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	Furfaro	TOTAL – 1.

Ms. Fountain-Tanigawa: Five (5) ayes.

Mr. Chock: Thank you. Are we going to move to the Bills?

Ms. Fountain-Tanigawa: We could do the Bills. This would be on page 7, Bills for First Reading.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2544) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of Economic Development, Wages and Hourly Pay – Ka Aha Hula O Halauola Conference Assistant – \$12,000*): Mr. Kagawa moved for passage of Proposed Draft Bill (No. 2544) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 28, 2014, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Mr. Rapozo.

Mr. Chock: Thank you. A motion and a second. I do not see George here to comment on this. No one would like to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

Mr. Chock: Councilmembers, discussion? No? Okay.
First Reading good. Roll call.

The motion for passage of Proposed Draft Bill (No. 2544) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 28, 2014, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauai, Council Chair Furfaro was not present, but shall be recorded as an affirmative for the motion.)

Ms. Fountain-Tanigawa: Five (5) ayes.

Mr. Chock: Five (5) ayes. We are moving to Bills for
Second Reading.

BILLS FOR SECOND READING:

Bill No. 2515, Draft 1 – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.2 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT: Ms. Yukimura

moved to adopt Bill No. 2515, Draft 1 on second and final reading, seconded by Mr. Rapozo.

Mr. Chock: Thank you. I do not see Larry or Troy here yet, but would you like to comment on this item?

Mr. Kagawa: Yes. It looks like we have two (2) Bills now regarding to the Solid Waste fees. The other one is a different version and the one that is in the process right now it I guess, ten dollars (\$10) less per ton. So, instead of going up to one hundred twenty-nine dollars (\$129) per ton, the new proposal is going up to one hundred nineteen dollars (\$119) per ton. Certainly, if we want to increase fees and we do not want to put too much burden on our private sector, then at least the latter is easier to bite. Thank you.

Mr. Chock: So, there is a differentiation of these amounts here. Councilmember Yukimura.

Ms. Yukimura: So, I agree that we should go for the lesser amounts that is already in the hopper. This one is for the greater amount. So, I think we should receive this, right? Does a motion to receive have precedence? No. We just kill the motion to approve and then do a second motion to receive. Okay, so, we will just vote on the motion to approve then. Oh, withdraw. Okay.

Ms. Yukimura withdrew her motion to adopt Bill No. 2515, Draft 1 on second and final reading. Mr. Rapozo withdrew his second.

Ms. Yukimura moved to receive Bill No. 2515, Draft 1 for the record on second and final reading, seconded by Mr. Rapozo.

Mr. Chock: Further discusson on the motion to receie? Seeing none, we will have a roll call on this.

The motion to receive Bill No. 2515, Draft 1 for the record on second and final reading was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Hooser, Kagawa, Rapozo,	
	Yukimura, Furfaro	TOTAL – 6*,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Council Chair Furfaro was not present, but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Five (5) ayes.

Mr. Chock: Next item.

Bill No. 2534 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND SOLID WASTE DISPOSAL FUND

(Solid Waste Disposal Fund, Solid Waste Recycling – Other Services - \$700,000):
Ms. Yukimura moved to adopt Bill No. 2534 on second and final reading, seconded by Mr. Kagawa.

Mr. Chock: Thank you. I had a request for a meeting this morning from Steve Hunt and Larry Dill on these items. Maybe you can speak to the next two (2) items and what has transpired since last week.

There being no objections, the rules were suspended.

(Council Chair Furfaro was noted as present.)

STEVEN A. HUNT, Director of Finance: Steve Hunt, Director of Finance, for the record. I guess we are covering Bill No. 2534 at the moment. So, I will speak to that one. This is the recycling funds that we will be short within Fiscal Year 2014. A large portion of this shortage has to do with the fact that the moneys were not encumbered and the contracts were not executed to spend the moneys for five hundred sixty thousand dollars (\$560,000) of the seven hundred thousand dollars (\$700,000) request. So, because they were not spent, they became fund balance. So, of the twelve million eight hundred thousand dollars (\$12,800,000) roughly fund balance that was created in Unassigned Fund Balance, five hundred sixty thousand dollars (\$560,000) of that was from the fact that this lapsed. So, in reality, this is not a seven hundred thousand dollars (\$700,000) new ask. It would be four hundred forty thousand dollars (\$440,000) in additional funds, but five hundred sixty thousand dollars (\$560,000) covers what was intended to be contracted at the end of Fiscal Year 2013 to carry is this far. So, I want that to be at least in consideration when you are looking at this. It is not a new seven hundred thousand dollars (\$700,000) request. There is an additional four hundred forty thousand dollars (\$440,000) being asked and a large part of that is coming from increased green waste and other cost of recycling that were unanticipated.

On Bill No. 2535, and this has to do more with the Solid Waste Disposal Fund. There was again, some of this was under-budgeted by what we had anticipated. About three hundred fifty thousand dollars (\$350,000) to the waste management contract and then of course there were other costs that were unanticipated related to the landfill liner and looking at testing for the integrity of that liner. At Council's request, we did go back and look at the budget items that we have currently budgeted to see if some of it could be funded from the current budget without taking from Unassigned Fund Balance. Again, given a weeks' notice, I have not had time to sit down with every single Department, but I certainly looked within my own budget, Finance, and within Public Works, and we have identified about eighty thousand dollars (\$80,000), thirty thousand dollars (\$30,000) within Finance and another fifty thousand dollars (\$50,000) coming from Public Works. However, due to the nature and the description of the Bill it would not be worthy of an amendment to this Bill. It would have to come as a subsequent Bill and given the timing of it and the closing of the end of the fiscal and having to encumber these funds, I think a delay would potentially kill the ability to even use those funds. So, what we would be requesting is that you would approve the amount as listed, but that eighty thousand dollars (\$80,000) would come as a separate budget amendment to put money back into the Unassigned Fund Balance from which we took it.

Mr. Chock: So, just for clarification, we are talking about the two (2), number 2 and number 3, the two (2) Bills here before us. They are sort of related. The request was to look from within where you might find those funds

and just some explanation as to the first Bill and the second Bill. Any questions regarding this of Steve? Councilmember Kagawa.

Mr. Kagawa: Thank you, Chair. So, on the first Bill for seven hundred thousand dollars (\$700,000), you are saying that five hundred sixty thousand dollars (\$560,000) was supposedly in the budget, but it lapsed?

Mr. Hunt: Correct.

Mr. Kagawa: In the previous budget we should have encumbered it?

Mr. Hunt: Correct, it was a Fiscal Year 2013 budget line item and the funds were what we call, "pre-encumbered" and because they were only pre-encumbered and not fully encumbered before the end of the fiscal, they lapsed in July.

Mr. Kagawa: So, basically, we are not spending more. I mean, the five hundred sixty thousand dollars (\$560,000) was appropriated for the purpose. We just did not.

Mr. Hunt: It is a no blood for the five hundred sixty thousand dollars (\$560,000) because it was money that essentially helped create additional fund balance. We would have been five hundred sixty thousand dollars (\$560,000) less in fund balance had we been able to encumber those funds and get the contract out timely.

Mr. Kagawa: But the four hundred and forty thousand dollars (\$440,000) out of the...

Mr. Hunt: Is an additional.

Mr. Kagawa: Is an additional...

Mr. Hunt: Request.

Mr. Kagawa: Due to unexpected...

Mr. Hunt: Higher volume and unexpected costs.
Correct.

Mr. Kagawa: I think in the Committee, Councilmember Hooser asked if there were any moneys within the Solid Waste accounts because that is a huge budget, right? How much million is that Solid Waste budget if we add it all up?

Mr. Hunt: Off the top of my head, about fifteen million dollars (\$15,000,000) maybe.

Mr. Kagawa: About fifteen million dollars (\$15,000,000).

Chair Furfaro: Fifteen million seven hundred twenty thousand dollars (\$15,720,000).

Mr. Kagawa: So, out of that fifteen million seven hundred twenty thousand dollars (\$15,720,000), you could not find any moneys within the budget going forward end to June 30th? Cannot find one dollar (\$1) or one hundred thousand dollars (\$100,000)?

Mr. Hunt: Ironically, the moneys that are coming in that we are asking to put back into are not coming from the Solid Waste Fund. They are actually coming from...they are General Fund moneys that are helping support the Sewer Fund. We found about fifty thousand dollars (\$50,000) in salary savings that we recognize now that we can put back into because it is supported by General Fund. So, we will put it back into the Unassigned Fund Balance by reducing the appropriation from General Fund to the Sewer Fund and then the other one is coming from the salary adjustments which is the Finance Administration. We anticipate only encumbering about sixty-five thousand dollars (\$65,000) to seventy thousand dollars (\$70,000) of that before the end of this fiscal year. So, there is about thirty thousand dollars (\$30,000) in excess that we can move early back into the Unassigned Fund Balance.

Mr. Kagawa: But that does not reduce the amounts requested for these two (2) Bills?

Mr. Hunt: In a sense, it would be the five hundred thousand dollars (\$500,000), the second Bill is what we are looking to knock it down from five hundred thousand dollars (\$500,000) to four hundred twenty thousand dollars (\$420,000) by refunding eighty thousand dollars (\$80,000) that we are taking from Unassigned Fund Balance now, much like we did when we did the adjustments for Collective Bargaining. We took from the fund and then we put back to the fund.

Mr. Kagawa: I would like to thank you, Steve. I mean, that is the kind of...I think, if Councilmember Hooser's statements saved us eighty thousand dollars (\$80,000) in one (1) week it is a good statement and I thank you for looking in the various Departments. I think if we did not mention it, then we may not even look and we would let those moneys lapse. So, thank you for finding those moneys. I am hoping that we do not get these kind of surprises in future budgets. I think it is tough especially when we are broke. If we had a big surplus, it is not much of a problem, but hopefully we can be more accountable and encumber those moneys when we should and what have you. So, thank you. Thank you, Chair.

Chair Furfaro: So, as I mentioned, the fifteen million seven hundred thousand dollars (\$15,700,000), I said this the other day in our meetings here on the budget. The strain that Solid Waste is putting on our General Fund is extremely, extremely serious to me and this is what I painted. Four (4) years ago, Solid Waste operation was twelve million two hundred thousand dollars (\$12,200,000) and we took seven million nine hundred thousand dollars (\$7,900,000) from the General Fund to supplement Solid Waste. Today, Solid Waste, fifteen million seven hundred twenty-five thousand dollars (\$15,725,000). The good news is we only took seven hundred seventy thousand dollars (\$770,000) from the General Fund to cover that because we have had other revenue sources, but that is what I want the Solid Waste guys to start really understanding because all of these things we are doing, moneys we are finding, fees we are increasing, and so forth, all they are doing is offsetting the growth of the cost to operate Solid Waste Fund without touching more money from the General Fund. The General Fund is the one

I am most concerned with as we get to close to hearing about out bond rating. They will look at that and they will see that there is no fund balances left to do this and the fact that we have grown three million four hundred thousand dollars (\$3,400,000) in operating costs in four (4) years for Solid Waste, that is scary. That is a huge growth in cost. The only silver lining on that is we are not touching more money from General Funds. I really want Solid Waste to know that. I mean, I will be supporting this and the other thing I want to ask you is, I want you to anticipate if you are going to have any extra money. I do not care if it is thirty thousand dollars (\$30,000) from Council Services. We should be thrown in the hat too. So, could you look if we are going to get to a point where there is a little available money there too? Thank you.

Mr. Chock: Any further discussion? Councilmember Hooser.

Mr. Hooser: Sure, and I want to thank the Finance Director also for digging a little deeper and finding the eighty thousand dollars (\$80,000). If I heard you correctly, that came from what offices or Departments?

Mr. Hunt: From my own, Finance Administration. I have what is called a "salary adjustment" line which covers emergency hire, 89-day contracts, currently covering some of the summer hires, and there is also some payroll adjustments that when we did some of the calculations for Fiscal year 2015 that there was actually some steps that were missed for individual employees as Personnel went through each record individually and that is going to hit this account. So, I estimate between sixty-five thousand dollars (\$65,000) and seventy thousand dollars (\$70,000) of the one hundred thousand dollars (\$100,000) will be encumbered by the end of this fiscal to cover those items. So, I have a thirty thousand dollars (\$30,000) balance that I am willing to move over now, well, actually now when I create the, with the help of Jay who is helping me on this, create the Money Bill that would replenish that in the Unassigned Fund Balance.

Mr. Hooser: So, it is a Finance Administration and then Public Works?

Mr. Hunt: Then Public Works is from their Sewer Fund. They have estimated salary savings, fifty thousand dollars (\$50,000) that they were prepared to move back as well. Again, it is a Sewer Fund. Typically, funds if it were only moneys that were provide by Sewer Funds, it would not be able to be transferred, but because General Fund, at least in Fiscal Year 2014 is supporting the Sewer Fund, we can reduce the contribution from General Fund to Sewer Fund and put that money back into the Unassigned Fund Balance.

Mr. Hooser: I appreciate it. I sincerely do. You are looking into your own budget and in the spirit of the situation we are in helping us out here and helping the County out. I would imagine that if you have a little bit more time you could look in other areas and find additional funds if in fact...yes. I mean, everyone has some additional funds probably I would think.

Mr. Hunt: Really, what we are talking about is funds that if they are additional, will return to Fund Balance at some point anyway. They will return to Unassigned Fund Balance if they are not encumbered or used. We are just kind of preempting that and doing it now. The realty is when we budget

closer to actuals those fund balances will continue to...or the lapses I should say, will continue to be smaller and smaller.

Mr. Hooser: Besides the high cost, which the Chair pointed out and the increasing costs, the issue just as you say at budgeting is in some ways a bigger issue. With the exception, I mean, one could argue we could carve out the lapsed funds, but it still leaves six hundred forty thousand dollars (\$640,000) that appear to be under-budgeted and that is a problem as well, as well as the increasing costs, that is the under-budgeting. I appreciate the eighty thousand dollars (\$80,000) that you found, but still, we still have to do much better. I know you do not run Solid Waste and Public Works. So, thank you.

Mr. Chock: Chair, if I could do just a follow-up, Chair. I think what would be good to share is the implication of the process that we are looking at because the discussion that we had this morning is well, we should be looking everywhere for these funds, but in the cautious of how it affects our bond rating. Would you be able to speak to that?

Mr. Hunt: Absolutely. If the discussions we are having right now about getting very, very tight on budgeting, we were sitting on fifteen million dollars (\$15,000,000), eighteen million dollars (\$18,000,000) in Reserve Fund Balance, very appropriate to be having, but if we are in the point that we have been using, depleting fund balance and we are looking at these types of adjustments to get by we are not in a sustainable budget, it is going to catch up to us, and the rating companies look both in terms of your ability to have a sustainable operating budget where revenues and expenditures are in line as well as a healthy fund balance. So, although we have been lapsing, that in the bond rating agency is not a bad thing. When you are lapsing moneys and you have tremendous bond, then certainly, I am sorry, fund balance, then you are over taxing your citizens. You are carrying balances you do not need to carry, but there is a fine line between cutting it too thin and being too fat so we need to make sure that what we are doing operationally is sustainable as well as having a plan towards building fund balances in the right areas.

Mr. Chock: Thank you. Council Chair.

Chair Furfaro: Yes. Touching on the fund balances, I think in my conference call with your staff, I anticipate that we are going to get a downgrade in our rating. I think what you just said it true. We should be carrying a County like this, we should be carrying about a fifteen million dollars (\$15,000,000) fund balance that will make the agencies happy. That is our target and we have to figure out a way to get back there. The staff needs to know when we go through surplus as fast as we have because either we are dragging long-term maintenance plans or we do not have the right information from our consultants about what we should do and we cannot share that quick enough, this is the kind of situation we find ourselves. So, our plan needs to be able to replenish those fund balances. The other thing I want to know is when it comes down to these funds lapsing, the five hundred sixty thousand dollars (\$560,000) I believe it was. Steve, what happened to us? How did that happen, that they did not lock onto that? So, you are not sitting here asking us for seven hundred thousand dollars (\$700,000), that you should be sitting here asking for one hundred sixty thousand dollars (\$160,000). How did that happen to us?

Mr. Hunt: That is something that Public Works, the management and fiscal are looking at how that happened and how we prevent that from happening again.

Chair Furfaro: Okay. So, when we get to a point maybe just before we look at this, finalizing the budget, maybe somebody can share that with me because I would sure like to know. Thank you, Vice Chair.

Mr. Chock: Councilmember Yukimura.

Ms. Yukimura: I would like to know too. I had this very deep concern, I believe it is a management issue, and I am going to vote for it today, but if anything like this happens again you cannot count on my vote.

Mr. Chock: Councilmember Hooser.

Mr. Hooser: Yes, just to reiterate, I think, where the Chair was going and fund balances. It is not all about revenue of course. We have to reduce spending and again, I appreciate you digging and finding eighty thousand dollars (\$80,000) to find some additional revenue, not revenue, but additional funds, but we need to squeeze these requests and I do not get the feeling that they are being squeezed. I believe that they are coming, this is...and maybe the people that are expressing the need for the funds believe they need them, but we do not have them and you cannot just squeeze money from a turnip, and that seems to be what we are doing. If something...if we had another Lehman Brothers Holdings Inc. meltdown or another hurricane or something bad, we do not have any reserves. Our bond rating could drop and we just keep spending money. I think it has to stop. We just cannot have everything that we want. As much as I would like to have it all also, we just cannot. Thank you.

Mr. Chock: Further questions? No?

Mr. Hunt: Thank you.

Mr. Chock: Thank you, Mr. Hunt for your answers. Thank you, Steve. Anyone would like to testify on this item?

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

Mr. Chock: Further discussion? Councilmember Kagawa.

Mr. Kagawa: Thank you, Chair. In the last budget meeting we had with Solid Waste we discussed, the Chair, discussed the increase of the Solid Waste budget in total what, four million dollars (\$4,000,000) increase?

Chair Furfaro: Three million eight hundred thousand dollars (\$3,800,000).

Mr. Kagawa: Three million eight hundred thousand dollars (\$3,800,000), and for the three million eight hundred thousand dollars (\$3,800,000) I asked them to please respond telling me why or what caused the three million eight hundred thousand dollars (\$3,800,000) increase to the

community. We will see what that response is, but it comes down to when you have a big budget like fifteen million seven hundred thousand dollars (\$15,700,000), you need to be accountable. You need to manage the budget. You cannot...we are no longer in the days when you can just spend all of the money and just come with a five hundred thousand dollars (\$500,000) or seven hundred fifty thousand dollars (\$750,000) request late in the end of the year and expect that we will just say that the Council, if approve it fine, if you do not approve it, well, we are going to take away all of those recycle bins and the community will not have any place to bring their recyclables. I mean, that is like backing the Council into a corner. We want to promote recycling. We want to promote community contributions. Certainly, we do not want to take away the recycle bins, but the problem is we need to just, like Councilmember Yukimura said, we need to manage the Department better. We need to see where we are. We need to manage our expenses. It is not an endless pot of gold for this County. We are broke. Nobody wants to pay any more in any service right now. The economy is tough. You folks all see it. Middle class people are like the poor class now. It is tough. Everything is expensive and I think when you have one of the budgets budgets in the County, you owe it to the taxpayers to try and be accountable and same thing goes for the Police and Fire. I mean, they cannot just keep increasing their budgets. I mean, everybody has to stop and try and control the spending because I tell you, the County cannot handle continuing surprise like this. It will be very tough going forward unless we start being more accountable, start spending wisely, and start cutting those costs that do not make sense. I know we have some of that going on where we can make those adjustments. Thank you, Chair.

Mr. Chock: Further discussion? Councilmember Yukimura.

Ms. Yukimura: Of the three million eight hundred thousand dollars (\$3,800,000) that Chair Furfaro has identified as the growth...

Chair Furfaro: In four (4) years.

Ms. Yukimura: ...in four (4) years, two million dollars (\$2,000,000) of that is for an avoidable mistake and that is what we cannot afford. If it is for services that we need, and I know that we have to expand our recycling and we have to expand our diversion. I am willing to pay more to do those things because in the long run if we have a sustainable zero waste system, I believe the cost will be lower ultimately, but I do not believe we should...and that is why it is so hard to raise fee on people when part of it is to pay for mistakes that could have been avoided. That is what for me, is the hardest thing. I have begged the Administration to look at this issue and to handle and deal with it because it is not something that is the Council's *kuleana*. So, we need to see some change there.

Mr. Chock: Council Chair.

Chair Furfaro: Also, I would like to know, Mr. Kagawa, through my office has sent over the questions he referred to, but I also want to point out to Solid Waste that I would like a little bit more *kōkua* there because I sent over questions over the last year, and I do not think I have gotten an answer. In that three million seven hundred thousand dollars (\$3,700,000) please reconcile for us Solid Waste expenses that are related to our curbside recycling, containers purchased, equipment purchased, and so forth so we can obtain that and then in the business world, you would be able to say, we invested in this equipment, these

containers and so forth because on our ROI, which is a Return On Investment, is in the future. We are saying x amount of dollars with overtime, we are saving x amount of dollars with drivers, and so forth. From my standpoint as a business person, I did not see that. I think Mr. Kagawa was on target with his questions, but please explain that to us in some detail when you respond to Mr. Kagawa. Thank you very much, Vice Chair.

Mr. Chock:

Councilmember Hooser.

Mr. Hooser: Yes, just brief final comments. I voted "no" on both of these Bills in Committee and I appreciate the Finance Director's additional explanation. I feel a little bit better about Bill No. 2534, being reminded that a large part of that money was lapsed funds and then they are going to seek out eighty thousand dollars (\$80,000) to replenish the funds. So, it almost but not quite makes it whole for me, but I am still really struggling with the rest of it. I think we just have to start, what do you call it? Tough love or whatever, but the Administration just has to stop asking for money and have to figure out a way to work within their budgets that they have now because that is the reality that our County is facing and we are facing it in the budget. We are going to be approving it in the new future, and even more so now, on a budget that has already been approved and passed. I really think that the Administration needs to get the message long and clear that they need to start telling themselves "no" and when they refuse to that or are unable to do that, then we have to start exercising that prerogative a little bit more frequently. Thank you.

Mr. Chock: Just to clarify, the eighty thousand dollars (\$80,000) is referring to this second Bill that we have not discussed yet. I just wanted to be sure. Maybe it will affect your vote. Anyone else would like to discuss this? Councilmember Rapozo.

Mr. Rapozo: I guess we are going to take up the second Bill because that, I believe, is part of the operations of Solid Waste, right, but there is also the liner issue that is an unexpected expense and so forth? I would agree with everyone really, today that I do not know how to stop this practice from continuing. I am troubled as well and I know a week was not really a lot of time for Steve to go and find the money, but I believe that the money is there throughout the Departments. I hear from some of the employees of Solid Waste, there is, and I have told this, I think, to the Mayor and maybe even Larry, that the best resources for making your operation efficient, like even here in the Council, would be to ask your staff, the people that are working it every day. Hey, what can you do to make this place more efficient, and they would tell you. Same with Solid Waste. We have some issues in Solid Waste with overtime. I mean, I think you folks seen the numbers. It is incredible. Some adjustments that I am not sure if it was made. I mean, are we still hauling the green waste on the day that...there was an opportunity several months ago. If we move the green waste hauling to the day that you have all of that overlap, you would not have to pay the overtime. Are we still hauling green waste on the weekends? Yes, we still are. So, that was a suggestion made, it has to be a year ago now.

Chair Furfaro:

Two (2).

Mr. Rapozo: Two (2) years ago? And that came from the field. If you did the green waste hauling on Tuesday or Wednesday, whatever day it is where they have that overlaps that you have all of these people at the Lihu'e

Transfer Station. If you use that day to haul, then you would not be paying the outrageous overtime on weekends for hauling green waste. I guess I am seeing that was never changed or addressed. So, I struggle with this as well, but there has to be, and maybe tough love is the word, Mr. Hooser. I do not know what you call it, but we cannot continue to...like in football. The person keeps throwing the pass and eventually it gets intercepted, you say, "You now what? You went to the well one (1) too many times" and I think that is kind of how I feel, is that we are such a huge accommodating, nice, and polite safety net that we are not getting it done. So, I think if this Bill does not pass today, then it forces the Administration to go now beyond the eighty thousand dollars (\$80,000). If they found eighty thousand dollars (\$80,000) between two (2) Departments, they should be able to find more. I just heard Mr. Chair offer up and other thirty thousand dollars (\$30,000) from our office. That is one hundred ten thousand dollars (\$110,000). I think with a little bit more looking, they can reach the goal, but something has to be done throughout the year to make these corrections. It may mean taking overtime away from certain employees, but we are not here as an employment agency. We are here as an organization to provide core functions, and core services to the community and we have to do that. As we get in tougher times, our hole that we have dug over the years is pretty deep right now and it is getting harder and harder to get out. We keep creating a bigger problem when we allow it to happen. So, I do not think I will be supporting this today and I would just encourage the Administration, and I appreciate Steve going out looking, but I think the money is there and that is the direction we need to take. Thank you.

Mr. Chock: Thank you for the discussion. If there is no further...

Chair Furfaro: I have one (1) more piece.

Mr. Chock: Okay, please.

Chair Furfaro: I want to say that the five hundred sixty thousand dollars (\$560,000) is money that should have been a part of the carryover and we have to really operationally fix that. We have to know who is accountable for that, and between the eighty thousand dollars (\$80,000) and maybe thirty thousand dollars (\$30,000) from the Council, we are at one hundred twenty thousand dollars (\$120,000). So, we are almost there and I would like to say that I will support this, this time around as JoAnn said, but we have nothing to go to the next time around, please understand. We have a serious issue with the growth here and the answers that I am looking for in the variance about the cost of going into recycling is very important. So, sharpen your pencils and tell us what those impacts were in those various variables. I will be supporting this and I would ask that you do support it as well. Thank you.

Mr. Chock: There is a huge amount of room for an opportunity for building capacity. So, I look forward to seeing that and at this point, we will call a roll call for this.

Ms. Fountain-Tanigawa: We have a motion and a second to approve.

The motion to adopt Bill No. 2534 on second and final reading was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Yukimura, Furfaro	TOTAL – 5*,
AGAINST ADOPTION:	Rapozo	TOTAL – 1,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Hooser is noted as voting silent, but shall be recorded as an affirmative for the motion.)*

Chair Furfaro: That makes four (4) yeses, one (1) silent, and one (1) no. The Bill passes.

Mr. Chock: Thank you, and at this time, I will turn over the next Bill.

Chair Furfaro: Oh, why do you not keep running it? I might actually step out again.

Mr. Chock: Okay. Sure. Thank you. We will move to the next Bill, please.

Bill No. 2535 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND SOLID WASTE DISPOSAL FUND (*Solid Waste Disposal Fund, Solid Waste Disposal – Other Services - \$500,000*)

Mr. Chock: Thank you. Different Bill, same story. Would you like to ask questions about the liner? We do have Mr. Dill and Mr. Tanigawa in the audience there. I thought there were questions, no? If not, then we will move forward. Councilmembers, discussion on this item?

Ms. Yukimura moved to adopt Bill No. 2535 on second and final reading, seconded by Mr. Kagawa.

Mr. Chock: Thank you. Further discussion before we vote?

Mr. Kagawa: Yes.

Mr. Chock: Okay. Please.

Mr. Kagawa: Again, it seems like Steve has been used as the...I mean, they have asked Steve to get this Bill approved and there are consequences if we do not approve it. I think this one is with the waste management contract, part of it, and the liner. If we do not approve it, then we jeopardize our landfill being out of compliance. Really, I feel stuck again being almost forced to approve it or else there is serious consequences. So, I do not know

how we fix this, but let us look forward to brighter days. It can only get brighter. Thank you.

Mr. Chock: Anyone else would like to comment on this item? Chair.

Chair Furfaro: I am along the same lines as Mr. Kagawa. This is really an emergency action that is dealing with possibilities of environmental issues for leach aid and other problems. I want to make sure that the Solid Waste Department understands that I have confidence in them that they are going to take care of this piece, but please understand overall, if there are quarterly inspections required and test reports on items like this that deal with community wellness, you have to respond quicker and I will be supporting this Bill. Thank you.

Mr. Chock: Councilmember Hooser.

Mr. Hooser: I am not going to be supporting this. I believe that Solid Waste have funds that they could spend on this today. It may be short next month after that as a result, but I believe they could spend the funds they need for the emergency portion, certainly, and for all of the other reasons that I spoke about earlier. I split the difference. As you know, I voted silently for the first one. It will be a no for this one.

Mr. Chock: Thank you. Anyone else? Seeing none...oh. Go ahead.

Ms. Yukimura: I just want to reiterate that I mean, this is, I think, another issue with not anticipating properly and at least with respect waste management, we should have known our contract. I am again, deeply troubled by not being on top of it and I am going to vote for it because I believe in paying our bills and I want to support our Solid Waste efforts, but if this comes around again, I am going to be really hard pressed to vote again.

Mr. Chock: I feel the same way. If not other discussion, roll call, please.

The motion to adopt Bill No. 2535 on second and final reading was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Kagawa, Yukimura, Furfaro	TOTAL – 4,
AGAINST ADOPTION:	Hooser, Rapozo	TOTAL – 2,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: 4:2. Passes.

Mr. Chock: 4:2. Thank you. Motion passes. Next item, please.

Bill No. 2536 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS

ESTIMATED IN THE GENERAL FUND (*Department of Finance – Administration, Special Projects – Kaua‘i Humane Society (Cat Licensing Fees) - \$10,000*)

(Council Chair Furfaro was noted as not present.)

Mr. Chock: Thank you. I need a motion to approve here.

Ms. Yukimura moved to adopt Bill No. 2536 on second and final reading, seconded by Mr. Kagawa.

Mr. Chock: Good, for discussion. Anyone would like to speak on this item? Seeing none...okay. For discussion.

Mr. Rapozo: I am not sure, we sent over some correspondence regarding the procurement. I am not sure what the status of that is. I know we did request, as far as the legality of adding in the cat services to the contract based on the preliminary response we got from the State Procurement Office. So, I am not sure what the status is, but I am not prepared to vote for this until we get a response from them because I still believe that anything over and beyond what the State requires the County to contract with the Kaua‘i Humane Society, I believe should go through the procurement process. So, I do not know. I mean, I know...I think Jade, maybe you can help me. I know we sent something out, but we have not had a response yet.

(Council Chair Furfaro was noted as present.)

Mr. Chock: We have not had a response. Steve, do you have anything else to add on that? I know we had a short discussion at budget.

There being no objections, the rules were suspended.

Mr. Hunt: Steve Hunt, Director of Finance, for the record. Yes, unfortunately Councilmember Rapozo was not here for the discussion on Kaua‘i Humane Society for the call-back, but as you are aware, they continue to operate at a deficit and the moneys that are given to the Kaua‘i Humane Society are in the form of a grant. It is not a bid service and Kaua‘i Humane Society, through Hawai‘i Revised Statutes (HRS), is the sole beneficiary of that grant as the only one currently to provide those services. In an effort to offset some of their deficit, we moved the dog licensing and now the cat licensing to the Kaua‘i Humane Society to manage. It was a function that was done by the Administration by Motor Vehicle Registration for the dog licensing. Of course cat licensing is new. This Bill is merely a means by which we created an expense item to refund them for the moneys that are collected for that. A similar Bill was passed earlier related to the dog licensing.

Mr. Chock: Thank you. For the sake of Councilmember Rapozo and his request to have more time, I know that we might be waiting for a formal response from Kaua‘i Humane Society or actually, sorry.

Mr. Rapozo: The Procurement Office.

Mr. Chock: The Procurement Office, yes. I wanted to put it out there as an option that we consider this and defer it or we can have more discussion on it.

Ms. Yukimura: To me, and I heard that the Bill that was going to take out the designation of the statute of Kaua'i Humane Society died. So, they are still designated by statute. So, I do not know that there is anybody else you can procure services from. So, that is one (1) thing, I think, we should consider. My understanding is this is really just an accounting issue, but I guess we could ask Steve how urgent the matter is too.

Mr. Hunt: Again, it is something that the Kaua'i Humane Society has started collecting on and will be remitting to Director of Finance and the General Fund, those revenues from the cat licenses, but they are not currently being reimbursed for that. It is not purely revenue. They actually provide the tags. They are purchasing the materials, taking the registration, and providing all of the work that goes behind with the staff that they have. So, part of that is utilization of the exiting staff to a better capacity, some of their down time. So, we have shifted on the...I guess, the positive side for us, which has reduced some of the services that we have had to provide at Motor Vehicle Registration. We have long enough lines as it is at the counter.

Ms. Yukimura: Right.

Mr. Hunt: So, by moving the dog licensing and now the cat licensing to them, including the administration of the program and the cost, I am not necessarily certain that this would have to be something that would be a bid item and a procurement issue, but I have not had the opportunity to meet with legal nor Ernie Barreira to discuss the length of that. Also, I think the amount, given that it is a ten thousand dollars (\$10,000) adjustment line item, may put it below something that would require procurement.

Ms. Yukimura: So, what you are pointing out is that the Kaua'i Humane Society is not just receiving ten thousand dollars (\$10,000). They are actually performing the administrative services of collecting it?

Mr. Hunt: And more important than that, the ten thousand dollars (\$10,000) is just a budgeted line item. They may not even receive that in revenue. I think they shared some numbers that the cats that they have licensed, which is far short of what they may actually anticipate for the remainder of fiscal year. We are just providing that allowance. We did not want to under budget and not have the expense line item to...if they maximize their cat licensing program and we did not have the line item for an expense item to reimburse them. Then we would be coming back again for another budget.

Ms. Yukimura: I mean, I know there has been a suggestion that pet shops and veterinarians could license. That may be true and I think they can at least voluntarily have information about the licensing requirements, but you really need a centralized agency that takes responsibility and...

Mr. Hunt: Because who is buying the tags, coordinating the numbers, and all?

Ms. Yukimura: Right.

Mr. Hunt: If you are doing it at every individual branch or pet shop or convenience...it would be like satellite County Services, which we do not offer, by the way.

Ms. Yukimura: Yes. I mean, to me, that clarifies that there is not really either legally or logistically available a real viable alternative to the Kaua'i Humane Society for this function. So, I think we can still clear up the question, but...well, right now I am feeling like we should just move ahead and vote.

Mr. Hunt: And if it were not being performed by them, it would be performed by us, frankly. I mean, we would be centralizing and doing that. So, they are providing somewhat of a service for us by taking on that responsibility.

Ms. Yukimura: Right. Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Chock: Councilmember Rapozo.

Mr. Rapozo: I guess the first thing is HRS only addressed dogs and not cats. So, the HRS statute has nothing to do with the cat programs or the cat issues. It is just absolutely irrelevant because it is specifically dogs. The second thing is, it is like I use the analogy or the example of bicycle licenses. Those licenses are purchases by Walmart. Walmart does not buy their own tags to tag the bikes. They get the tags from the County. They sell the tags. I do not know why we are allowing the Kaua'i Humane Society to go out and buy their own tags. It should be a County tag and that is how it should be. Anybody should be able to...I mean, you say one (1) central location is great, but tell that to the person that lives in Kilauea, that could stop at the vet in Kilauea or the vet in Kapa'a or the pet store. Tell that person, "No, you take your one (1) cat all the way to Kipū. Go through that Kapa'a stink traffic all the way to Kipū and go buy your little cat tag." It makes no sense. I mean, we are talking about traffic, we are talking about all of these issues, and we are making it more inconvenient. I will tell you what the person in Kilauea is going to do. Chances are they are not going to buy a license. That is not...I mean, so anyway, I am just saying that I have some questions about the procurement issue. I am okay if you vote for it today. I am not supporting it because I am not ready, but I would not ask for a deferral. I would actually call for the question and just get it done with.

Mr. Chock: Okay. You would like to respond as well?

Ms. Yukimura: Well, I just want to say that as the Kaua'i Humane Society gets established in its procedures, licenses, and et cetera, they could work with satellite groups, but you are still going to need someone administratively centralized and I think it is to our advantage to have them do it rather than our County offices.

Mr. Chock: Anyone else would like to speak on this, discuss this item? Chair.

Chair Furfaro: Yes, I just want you to know, maybe I am not know for this, but I have a blue Schwinn, bicycle, and I got my tag through Sears. So, the piece works, but I think for me, the bigger question is we are getting at an allocated number that somebody should really calculate this contribution from the County and as it relates to our requirement by the law, it is getting to a point that

we need to find some balance and that is Mr. Rapozo's point, I think. So, let us all keep that in mind going forward.

Mr. Chock: Chair, where would that be directed if we were to have a continued discussion. I mean, I understand we will move on this today and we will receive more information, but whose lap would that fall into to continue this interest?

Chair Furfaro: Well, I would think we would look towards Finance through a communication and the communication would basically say, do us a performa and what our obligations are versus contract services or even versus the County operating. I am not promoting it one way or the other, but I think the feasibility study is something we should actually ask ourselves about.

Mr. Chock: Thank you. Councilmember Rapozo.

Mr. Rapozo: I will use the bikes again, no, because it makes sense, Mr. Chair. Because if you had to take your bike all the way to Kīpū to go register your bike, you would not do it. I mean, it just makes no sense. You might, but Walmart, Sears, or whoever sells...all the bike shops on the island, they buy the tickets, the stickers, from the County, right? So that is...I mean, you go in and so they go buy whatever, fifty (5) tickets, tags, and they will pay the County, and then they go and they administer the program in their respective stores. The County is not running the program. The County is selling them the tags, and that is what the County does. All of the registrations, all of that is done at the store you buy the bike and all I am saying is it makes so much sense that the pet shops and the veterinarians would be the place where you would get it. If you want maximum participation because it was that important for us to pass the law, then you would want to see it. You would want to see the purpose of the law fulfilled. We are beating a dead horse now.

Mr. Chock: That is well taken. Thank you. My hope so we become more efficient in managing our cats moving forward. This is a Bill for Second Reading. Can we have a roll call for this, please?

Mr. Kagawa: More discussion?

Mr. Chock: Oh, I am so sorry you have more discussion?
Go ahead Councilmember Kagawa.

Mr. Kagawa: Thank you, Chair. I just again, as I went to the last Waimea baseball game against Kaua'i High. The lady stopped me. She always stops me and checks on her Hanapēpē Stadium restroom. A good friend of a lot of the Councilmembers. She dances bon dance, but anyway, she just said, "You folks do not know that there is a big difference between a cat and a dog" in talking about the licenses. I remember when Councilmember Rapozo talked about the long rides. My cat hated to ride in the car. I think that is where the cats and dogs are really different. My cat used to go crazy. I mean, actually, bite the cage and just did not like that car ride. If I lived in Hanapēpē and I had to bring my cat to Puhi, that cat might kill itself because it does not like that car ride. So, I mean, I am really curious as to see how this cat license is going to work out. A lot of owners are already telling me they refuse to get their cats licensed. So, they are going to I guess, illegally own their cats, but it passed. I think we have to help Steve help us

to enforce our own Ordinance by putting in this ten thousand dollars (\$10,000). So, I will be supporting it today. Thank you.

Mr. Chock: Thank you, Mr. Kagawa. Any further discussion? If not, we will move to a roll call. Thank you.

The motion to adopt Bill No. 2536 on second and final reading was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Yukimura,	
	Furfaro	TOTAL – 5,
AGAINST ADOPTION:	Rapozo	TOTAL – 1,
EXCUSED & NOT VOTING:	Bynum	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: 5:1. Bill passes.

Mr. Chock: Thank you. I think that ends our business for second reading of our Bills. Chair, we have approval to move into Executive Session for the remaining items.

Chair Furfaro: Okay, we had called up the County Attorney and he read all of the items?

Mr. Chock: That is right.

Chair Furfaro: Okay, so we do not need to read that again.

Mr. Chock: And we disposed of ES-718 and ES-719. So, we have two (2) more on the agenda to cover in Executive Session.

Chair Furfaro: Okay, very good. Why do we not do this, why do we not say in ten (10) minutes, we will meet in the chambers to go into Executive Session, and you actually took a roll call vote on all of those items? Very good. You can hit the gavel and this...we do not have to come back out for any business? We do? Okay, then, we will just hit the gavel to go into a recess for Executive Session. Yes, you stay.

There being no objections, the Council recessed at 4:58 p.m.

The meeting was called back to order at 6:07 p.m., and proceeded as follows:

(Councilmember Chock was noted as excused.)

Chair Furfaro: Okay, we are back from our Executive Session. I would look towards the members for a motion here and Jade, would you read the item, please?

Ms. Fountain-Tanigawa: This is on page 4.

COMMUNICATION:

C 2014-125 Communication (04/17/2014) from the County Attorney, requesting authorization to expend funds up to \$15,000 to retain Special Counsel to

advise the Council concerning coverage under the County's insurance policy with Everest National Insurance Company, in connection with the lawsuit Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 JMS-RLP (United States District Court), and related matters: Ms. Yukimura moved to receive C 2014-125 for the record, seconded by Mr. Hooser.

Chair Furfaro: Okay, there is a motion and a second to receive this item. Any further discussion? Mr. Rapozo.

Mr. Rapozo: Yes, unfortunately JoAnn beat me to the punch actually. I am not going to support the motion to receive. I believe that the request for fifteen thousand dollars (\$15,000) is reasonable considering the circumstances in this case. The fact that I think that it would be best to have a third party attorney in this case, basically, what we are looking for is we are looking for an attorney to review the contract so that we can go after the attorney's fees that we are going to have to pay after the insurance company settled the case with Mr. Bynum. So, we were basically forced to accept their settlement, but yet, the tab comes to the taxpayers and I think we have a fundamental problem or disagreement with that. So, all this is, is to have a third party outside firm that have no involvement in the case whatsoever, take a look and help us go after the funds that are still accumulating today and it is probably up to about two hundred seventy-five thousand dollars (\$275,000) now, that we could have a Special Counsel go after those funds for us from the insurance company. So, I will not be supporting the receipt. I believe we should move forward, get Special Counsel, and that is it. Thank you.

Chair Furfaro: Okay. Mr. Hooser and then Mr. Kagawa.

Mr. Hooser: Yes, thank you, Chair. I think it is premature to engage Special Counsel and this County has a history of, I think, engaging far too many Special Counsels and we need to do our due diligence ahead of time with in-house staff to compile and get clear on all the receipts and get all of our ducks in a row, so when and if we do engage Special Counsel we do in the most efficient manner possible, but I think it is premature. Thank you.

Chair Furfaro: Mr. Kagawa.

Mr. Kagawa: Thank you. Like everyone else, I want to put this case behind us, but I wanted the Special Counsel to be onboard. I think it is a small price to pay for handling such an important issue. Everything that the County Attorney has done regarding this case has basically turned sour and I have no confidence in the County Attorney's Office handling anything to do with the Bynum case. Thank you.

Chair Furfaro: Any further discussion?

Mr. Rapozo: I do have one (1), Mr. Chair, real quick. What Mr. Hooser talked about the due diligence and the in-house, and I guess kind of what Mr. Kagawa just talked about, we relied on that due diligence in-house for the last, what is it? Year and a half, Mr. Chair? Is that how long this case has been going on? We relied on the County Attorney's Office. I think your comments at the call-back of the County Attorney's Office were spot on, Mr. Hooser. I agreed with you one hundred percent (100%) and for us to recognize the lack of confidence from most of us, if not all of us with the County Attorney's Office, a fact that we had been

what I believe mislead and what I believe misinformed or not communicated with for over a year, to expect that same office to come back to us and give us the proper advice after we know we have seen it, we have experienced it for a year and a half, to go back to that well, it does not make any sense to me. It really does not make any sense to me. So, I understand we need five (5) votes to approve Special Counsel funds and I can count, but I will say that...I cannot remember the person that said it. If you continue to do the same thing expecting different results, that is the definition of insanity.

Ms. Yukimura: Einstein.

Mr. Rapozo: This is...Einstein said that? This is a perfect example of going back to that well expecting a different result. Now, this has again, no...it has not indication...I cannot remember the word or think of the word.

Ms. Yukimura: Reflection.

Mr. Rapozo: Reflection of Ms. Clark, Mona Clark, because I think Ms. Mona Clark is a great attorney. The problem in all of this is it is not Mona Clark's office, it is the County Attorney's Office, and that is who will be assessing this. I just absolutely have no confidence. Thank you.

Mr. Hooser: Chair, can I?

Chair Furfaro: Go ahead.

Mr. Hooser: My second round if I could, and I just want to respond to Councilmember Rapozo. He is absolutely correct. My remarks the other day, I expressed a more or less complete lack of confidence in the County Attorney, but I made it clear in those remarks that my lack of confidence is about the leadership of the County Attorney's Office, not about the team. Certainly, the Deputy County Attorney that is assigned to this particular issues, relatively recently, has really demonstrated, I think, a new and more...a new approach that gives me great confidence in her personally. I have complete confidence that she will do a great job. I maintain my doubts about the leadership, but I have complete confidence that the task that the Deputy County Attorney that will be working on this. She is more than up to it, to do that due diligence need to prepare us for the ultimate decision as to whether or not we need to hire Special Counsel. Thank you.

Ms. Yukimura: Question.

Chair Furfaro: You have a question?

Ms. Yukimura: No, I call for the question.

Chair Furfaro: Calls for the question. Okay.

Ms. Yukimura: Call for the question.

Mr. Rapozo: Because she want so go.

Ms. Yukimura: I want to go to the movies.

Chair Furfaro: Okay, you go to the movie, you called for the question, I do not get to speak, and I will not speak and I will not vote.

Ms. Yukimura: No, Chair, go ahead. I was talking to the other three (3).

Chair Furfaro: Okay, call for the vote.

The motion to receive C 2014-125 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Hooser, Yukimura, Furfaro	TOTAL – 2*,
AGAINST RECEIPT:	Kagawa, Rapozo	TOTAL – 2,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	Bynum	TOTAL – 1.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Council Chair Furfaro is noted as voting silent, but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: 3:2, motion fails.

Chair Furfaro: This meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 6:14 p.m.

Respectfully submitted,


JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

(April 23, 2014)

FLOOR AMENDMENT

Resolution No. 2014-29, Proposing a Charter Amendment Relating to Setting Golf Course Fees

Introduced By: JOANN A. YUKIMURA

1. Amend Section 2 of Resolution No. 2014-29 to read as follows:

“SECTION 2. Article III, Section 3.10 of the Charter, as [amendmended] amended, is hereby amended as follows:

“Section 3.10. Annual Budget and Capital Program. The council shall enact an annual budget ordinance, which shall include both the operational and capital expenditures for the fiscal year and the method of financing same. The council shall provide sufficient revenues to assure a balanced budget.

The council shall by ordinance fix the fees and charges for all services rendered by the Wailua Golf Course, or it may by ordinance specifically delegate this authority in part or as a whole to the executive branch as it deems necessary or desirable.”

(Material to be deleted is bracketed. New material is underscored.)

V:\AMENDMENTS\2014\Reso. No. 2014-29 AB_cy.doc

(April 23, 2014)

FLOOR AMENDMENT

Resolution No. 2014-26, Relating to 'Eiwa Street Traffic Modifications (Crosswalks, Bus Stop, Shared Use Paths, One-Way Traffic Lane, and Intersection Modifications)

Introduced by: ROSS KAGAWA (By Request)

Amend Resolution No. 2014-26 as follows:

1) Amend the third Whereas paragraph to read as follows:

“WHEREAS, the County Engineer, based on planning, engineering, and traffic investigation, is requesting the following:

- A crosswalk to be established at 'Eiwa Street, approximately 240 feet south of Hardy Street [and approximately 100 feet north of Rice Street];
- A bus stop zone to be established on the west side of 'Eiwa Street, approximately 240 feet south of Hardy Street and continuing for approximately 100 feet;
- Shared-use paths to be established on both sides of 'Eiwa Street;
- The 'Eiwa Street traffic lanes to be changed to a single, one-way lane heading in the south direction from Hardy Street to Rice Street;
- A right turn only lane to be established at the 'Eiwa Street and Rice Street intersection from 'Eiwa Street to Rice Street where, as a one-way street, no turns shall be allowed from Rice Street to 'Eiwa Street; now, therefore,”

2) Amend Section 1 to read as follows:

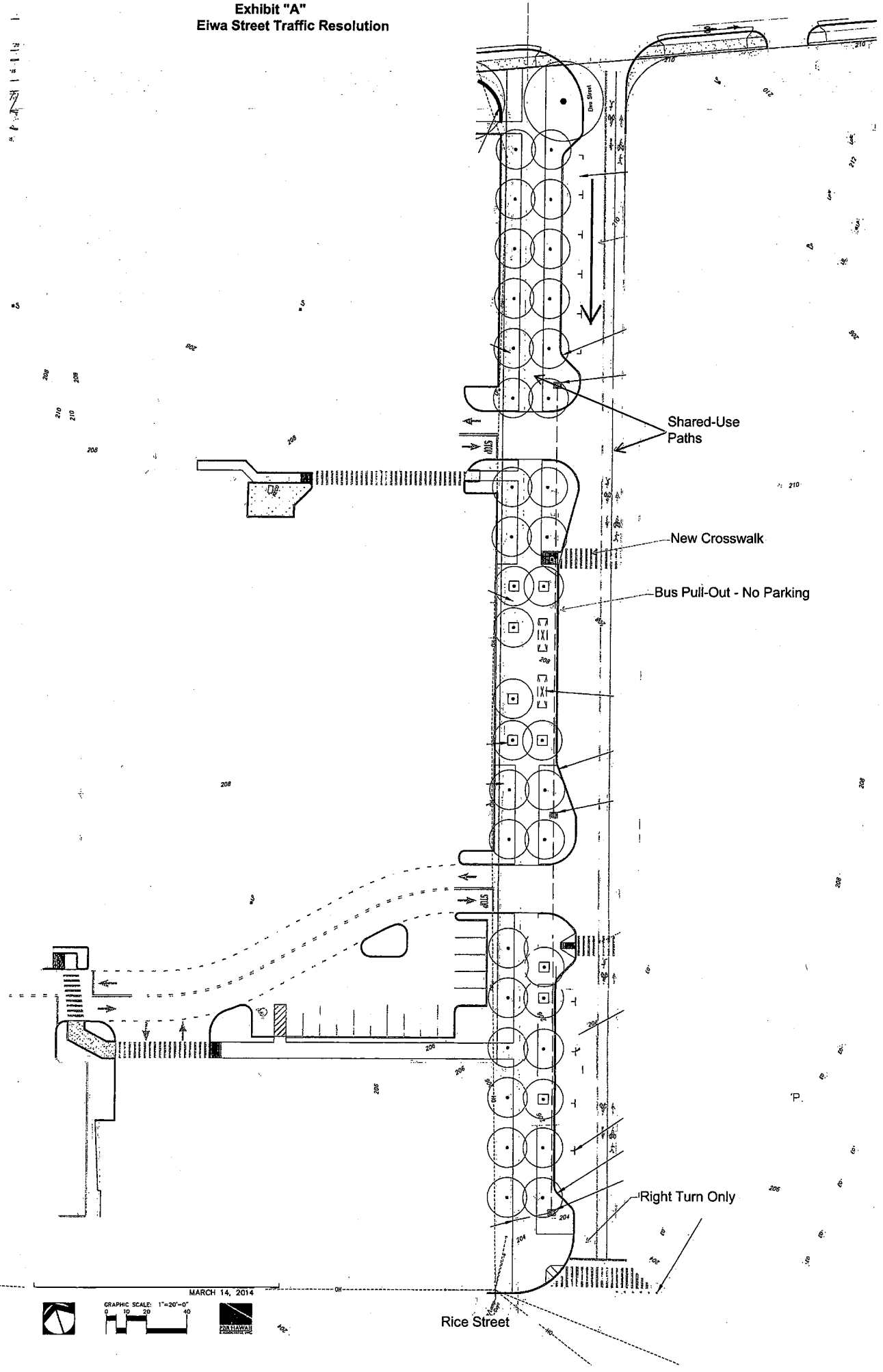
“SECTION 1. [Pedestrian crosswalks are] A pedestrian crosswalk is hereby established at 'Eiwa Street as shown on the map which is attached hereto as Exhibit “A” and incorporated herein by reference:

- Mid-block approximately 240 feet south of Hardy [Street;] Street.
- [• Mid-block approximately 100 feet north of Rice Street.]”

3) Replace Exhibit “A” with the attached map.

(Material to be deleted is bracketed. New material to be added is underscored.)
(V:\Amendments\2014-Term\FA-Eiwa Street Traffic Modifications\RK-AO_lc.doc)

Exhibit "A"
Eiwa Street Traffic Resolution



Shared-Use
Paths

New Crosswalk

Bus Pull-Out - No Parking

Right Turn Only

Rice Street

MARCH 14, 2014

GRAPHIC SCALE: 1"=20'-0"
0 10 20 40



